



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

**Dispute Codes:** OPR, MNR, MND, MNSD, FF

### **Introduction**

This hearing dealt with the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage to the unit / retention of the security deposit / and recovery of the filing fee. The landlord attended the hearing and gave affirmed testimony.

Despite being served with the application for dispute resolution and notice of hearing, the tenant did not appear and the landlord stated that it seems the tenant has abandoned the unit. However, the landlord also testified that the tenant does still not appear to have removed all of her possessions from the unit.

### **Issues to be decided**

- Whether the landlord is entitled to any of the above under the Act

### **Background and Evidence**

A copy of a written tenancy agreement is not in evidence for the month-to-month tenancy which began on August 1, 2010. Monthly rent is \$700.00 and it has typically been paid to the landlord by the ministry on or about the 22<sup>nd</sup> day of the month preceding the month for which it is due (ie: February's rent would be received by the landlord on or about January 22). A security deposit of \$350.00 was collected.

The landlord issued a 10 day notice to end tenancy for unpaid rent dated May 3, 2011 after he had not received payment of rent for May by April 22, 2011. The notice was served by way of posting on the tenant's door. The tenant did not pay the outstanding rent, and it appears that she has abandoned the unit without informing the landlord of her forwarding address.

### **Analysis**

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca/](http://www.rto.gov.bc.ca/)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 3, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice, did not apply to dispute the notice, and has apparently abandoned the unit. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$750.00. This is comprised of \$700.00 in unpaid rent for May 2011, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$350.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$400.00 (\$750.00 - \$350.00).

### **Conclusion**

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$400.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the *Residential Tenancy Act*.

DATE: June 6, 2011

---

Residential Tenancy Branch