



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, money owed or compensation for damage or loss and recovery of the filing fee. The landlord participated in the conference call hearing but the tenant did not. The landlord presented evidence that the tenant was served with the application for dispute resolution and notice of hearing documents. I found that the tenant had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This 1 year fixed term tenancy began December 1, 2010 with monthly rent of \$875.00 and the tenant paid a security deposit of \$437.50. On May 5, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

Throughout the past 6 months the tenant has paid the landlord \$2735.00 in rent however the total amount of rent owed for this 6 month period is \$5250.00. The landlord stated that the tenant vacated the rental unit on May 18, 2011 but due the condition of the rental unit the landlord was not able to re-tenant the unit until July 1, 2011 and the landlord is claiming the loss of income for the month of June 2011. The total amount of unpaid rent that the tenant owes the landlord is \$3390.00.

The landlord stated that the tenant did not pay the security deposit of \$437.50 that was due at the start of the tenancy and the tenant did not provide the landlord with a forwarding address or complete a move-out inspection.

The landlord stated that as the tenant has vacated the rental unit he no longer requires and order of possession and this portion if the landlord's application is dismissed.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent.

I find that the landlord has established a claim for \$3390.00 in unpaid rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$3390.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$3440.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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*.

Dated: June 8, 2011.

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Residential Tenancy Branch