



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, 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 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

On May 3, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord stated that the tenant has not paid the \$1000.00 May 2011 rent or the \$1000.00 June 2011 rent and the landlord is seeking a monetary order for \$2000.00 in unpaid rent. The landlord stated that as this tenancy is operated through a charity they do not collect a security deposit from tenants.

The landlord testified that on May 18, 2011 during a pre-arranged property condition inspection they found the house to be in very poor condition, debris strewn all over the yard, windows broken, the yard unkempt and the property overall looking abandoned. The landlord stated that the tenant has not been living on the property since March 2011 and they believe that the tenant has abandoned the property.

The landlord stated that someone unknown to them had accessed the property by breaking out two of the windows and the landlord has had to hire a maintenance company to take care of the yard. The landlord stated that they had the windows

repaired but that again this past weekend the house was broken in to and completely trashed. The landlord stated that every drawer had been pulled out and thrown on the floor and that there is trash and discarded items all through the house. The landlord stated that if there was anything of value in the house it is now gone.

The landlord in this application is seeking an order of possession and a monetary order for the \$2000.00 unpaid rent.

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. .

As the landlord does not know the whereabouts of the tenant, and it is very urgent that the landlord obtain possession of the property as soon as possible to secure it and the landlord will be granted an order of possession effective immediately.

I find that the landlord has established a claim for \$2000.00 in unpaid rent.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **immediately** after service of the Order upon the tenant. This Order must be served on the tenant and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$2000.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee.

A monetary order in the amount of **\$2050.00** 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.

Residential Tenancy Branch