



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 by registered mail. 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 tenancy began October or November 2009 with monthly rent of \$1200.00 and the tenant paid a security deposit of \$600.00. On May 18, 2011 the landlord served the tenants with a 10 day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants had only paid ½ of the February 2011 rent and owes the full amount of monthly rent for March, April, May and June 2011 for a total of \$5400.00 unpaid rent owed to the landlord. The landlord stated that due to his personal finances he had put the house up for sale and the tenant attempted to make a deal whereby he would not pay the rent owed in exchange for showing the property but the landlord declined this offer.

The landlord stated that the tenant vacated the rental property June 1, 2011 but made no effort to pay any of the outstanding rent to the landlord prior to vacating. As the

tenant has vacated the rental property the landlord no longer requires an order of possession therefore this portion of the landlord's application is dismissed.

The landlord is seeking \$5400.00 compensation in unpaid rent.

### Analysis

Based on the documentary evidence and undisputed testimony of the landlord, 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 was 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 a monetary order for unpaid rent for ½ of February 2011 rent and the full amount of monthly rent for March, April, May and June 2011.

I find that the landlord has established a claim for \$5400.00 in unpaid rent.

The landlord is entitled to recovery of the \$100.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$5400.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$600.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$4900.00**.

A monetary order in the amount of **\$4900.00** 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 20, 2011.

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Residential Tenancy Branch