



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, 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, to keep all or part of the security deposit 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 posting the documents in the tenant's rental unit. The landlord verified that the tenant was in the rental unit after posting of the documents as additional items had been removed and a bag or trash dumped on the floor. 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 December 1, 2010 with monthly rent of \$650.00 and the tenant paid a security deposit of \$325.00. On June 8, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant had possibly vacated the rental unit sometime in late June or early July and that at the time of vacating the tenant owed the landlord \$1025.00 in unpaid rent, late fees and NSF cheque charges. The landlord stated that the tenant owes the landlord May rent of \$650.00, May NSF charge of \$25.00, June rent of \$650.00 and June late fees of \$25.00.

The landlord stated that as miscellaneous items belonging to the tenant remain in the rental unit that the landlord would like to proceed with an order of possession. The landlord is also seeking \$1025.00 compensation for the unpaid rent, late fees and NSF cheque charges.

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 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 \$1025.00 in unpaid rent, late fees and NSF cheque charges.

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 \$1025.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$325.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$750.00**.

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: July 20, 2011.

Residential Tenancy Branch