



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 in person. 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 January 11, 2009 with monthly rent of \$1000.00 and the tenant paid a security deposit of \$500.00. On June 8, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that on June 26, 2011 he found a set of keys hanging by the mail boxes and after speaking to the tenants next door neighbour, he found out that the tenant had moved out at midnight on June 25, 2011. As the tenant had vacated the rental unit the landlord entered the unit to find it full of trash, broken furniture and discarded items. The landlord estimates that it will take at least 4 truck loads to remove all of the trash from the rental unit. The landlord had also discovered that the tenant had cut all the electrical cords and cable wires into small pieces.

The landlord stated that the unit is currently un-rentable and has requested to amend his application to include the July 2011 rent. The landlord testified that the tenant owes \$1140.35 in unpaid rent, late fees, cable, parking and NSF cheque charges for June 2011 and \$1030.00 for unpaid rent in July 2011. The landlord in this application is seeking total compensation of \$2220.35.

Although the tenant has vacated the rental unit the landlord has requested an order of possession for the rental unit effective immediately upon service on the tenant.

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, parking, cable, late and NSF fees.

I find that the landlord has established a claim for \$2220.35.

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

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **immediately** upon service of the Order on 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 \$2220.35 in unpaid rent, parking, cable, late and NSF fees. 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 \$500.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$1720.35**.

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 7, 2011.

Residential Tenancy Branch