



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; OPB; MNR; FF

Introduction

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Landlord's agents gave affirmed testimony at the Hearing.

The Landlord's agent PR testified that he personally served the Tenant with the Notice of Hearing documents and documentary evidence at the rental unit on June 21, 2011.

Based on the affirmed testimony of the Landlord's agent, I am satisfied that the Tenant was duly served with the Notice of Hearing documents in accordance with the provisions of Section 89(1)(a) of the Act. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order for unpaid rent for the months of April, May, June and July, 2011?

Background and Evidence

The Landlord's agents gave the following testimony and evidence:

A copy of the Tenancy Agreement was provided in evidence. Monthly rent is \$500.00 per month, due the first day of each month. The Tenant paid a security deposit in the amount of \$250.00 on August 1, 2010.

The Landlord's agents testified that the Tenant has not paid rent since March, 2010. The Landlord provided a copy of the tenant ledger in evidence. On June 7, 2011, the Landlord's agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by handing the Notice to the Tenant at the rental unit.

The Landlord's agents testified that the Tenant has not paid any of the outstanding rent and is still occupying the rental unit. The Landlord's agents requested an Order of Possession and a Monetary Order for unpaid rent in the amount of \$2,000.00 for April, May, June and July rent. The Landlord's agents asked to apply the security deposit towards partial satisfaction of their monetary award.

Analysis

Based on the affirmed testimony of the Landlord's agents and in the absence of any evidence to the contrary from the Tenant, I find that the Landlord is entitled to an Order of Possession and a Monetary Order.

I accept that the Landlord served the Tenant with the Notice to End Tenancy on June 7, 2011. The Tenant did not pay any of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on June 17, 2011. The Landlord is entitled to an Order of Possession and I make that Order, **effective 2 days after service of the Order upon the Tenant.**

The Landlord's agent has established a monetary claim for unpaid rent in the total amount of \$2,000.00.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of the Landlord's monetary claim. No interest has accrued on the security deposit.

The Landlord has been successful in its application and is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

The Landlord has established a monetary claim as follows:

Unpaid rent	\$2,000.00
Subtotal	\$2,050.00
Less security deposit	- \$250.00
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$1,850.00

Conclusion

I hereby provide the Landlord an Order of Possession effective **2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord a Monetary Order in the amount of **\$1,850.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: July 22, 2011.

Residential Tenancy Branch