



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, 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, to keep all or part of the security deposit, money owed or compensation for damage or loss and recovery of the filing fee. Both parties participated in the conference call hearing and gave affirmed testimony.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began May 1, 2007 and the tenant pays \$260.00 towards the subsidized rent, the tenant paid a security deposit of \$375.00.

On July 7, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent.

On July 7, 2011 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause:

- The tenant is repeatedly late paying rent.

The tenant has not filed to dispute either notice.

The landlord has not applied for enforcement of the notice to end tenancy for cause in this application.

The landlord testified that the July and August 2011 rent remains unpaid and that the tenant currently owes the landlord \$520.00 in unpaid rent.

The tenant testified that she had been unemployed, just got a job and was hoping to get money from Income Assistance to pay the July and August 2011 rent within the week.

The landlord stated that as the rent remained unpaid that they wished to proceed with an order of possession effective 2 days after service upon the tenant. The landlord is also seeking compensation in the amount of \$520.00 for the unpaid rent.

The parties discussed the order of possession/end of tenancy date and the landlord stated that they would consider allowing the tenant to stay until August 31, 2011 provided that the July and August rent is paid in full.

The tenant stated that she understood that the landlord would be enforcing the order of possession and requested a copy of this decision as soon as possible to provide to Income Assistance. The landlord stated that they would attempt to arrange to deliver the tenant a copy of the decision and order and requested that these documents be faxed to their office.

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.

The tenant has not paid the July or August 2011 rent owed to the landlord. Accordingly I find that the landlord is entitled to a monetary order for \$520.00 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 **2 days** 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 \$520.00 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 \$375.00 security deposit and \$9.96 interest in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$185.04**.

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: August 18, 2011.

Residential Tenancy Branch