



Dispute Resolution Services

Page: 1

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. 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 December 2010 with monthly rent of \$1700.00 and the tenant paid a security deposit of \$850.00.

On July 18, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent. The tenant did not file to dispute this notice.

The landlord testified that the tenant owes the landlord \$1300.00 rent for July 2011 and \$1700.00 rent for August 2011 for a total of \$3000.00 in unpaid rent owed to the landlord.

The landlord stated that the tenant had vacated the rental property but that a sublet tenant remains in the rental unit. The sublet tenant testified that she is willing to vacate but requires documentation from the landlord to take to the ministry so that she can get a damage deposit to move. The sublet tenant stated that a copy of the order of possession will be adequate documentation for the ministry.

The landlord in this application is seeking an order of possession for the rental property as it remains occupied and a monetary order of \$3000.00 in unpaid rent.

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.

Accordingly I find that the landlord is entitled to a monetary order for \$3000.00.

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 and all occupants. This Order must be served on the tenant and all occupants 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 \$3000.00 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 \$850.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$2200.00**.

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: August 30, 2011.

Residential Tenancy Branch