



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, O, 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, money owed or compensation for damage or loss, other 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 October 1, 2010 with monthly rent of \$675.00 and the tenant paid a security deposit of \$337.00.

On July 14, 2011 the landlord served the tenant with a 10 day Notice to End Tenancy for Unpaid rent. The tenant has not filed to dispute this notice.

On July 29, 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 this notice.

The landlord testified that the tenant vacated the rental unit on September 5, 2011 therefore the landlord no longer requires an order of possession and this portion of the landlord's application is hereby dismissed.

The landlord stated that the tenant had not paid any rent for the months of July, August and September 2011 and owes the landlord \$2020.00 in unpaid rent.

The landlord stated that the tenant left the rental unit a complete mess and that the tenant did not provide the landlord with a forwarding address.

The landlord in this application is seeking a monetary order for \$2025.00.

### 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 vacated the rental unit with rent owed to the landlord for the months of July, August and September 2011. Accordingly I find that the landlord is entitled to a monetary order for \$2025.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$2025.00 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 \$377.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$1738.00**.

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: September 6, 2011

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Residential Tenancy Branch