



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Dispute Codes:**

OPR, MNR, FF

## **Introduction**

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated July 4, 2011 and a monetary order for rent owed.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on August 10, 2011, the tenant did not appear.

## **Issue(s) to be Decided**

The landlord stated that she is no longer seeking an Order of Possession because the tenancy ended after the tenant's associate made an unsuccessful application to dispute the Notice. However, the landlord still seeks a monetary order claiming unpaid rental arrears of \$2,000.00.

The issue to be determined, based on the testimony and evidence, is whether or not the landlord is entitled to monetary compensation.

## **Background and Evidence**

The tenancy began on May 1, 2011. A deposit of \$300.00 was paid and the rent was \$1,000.00.

The landlord testified that the tenant had fallen into arrears and she discovered that he was incarcerated and that other people had moved into the manufactured home. The landlord testified that a Ten Day Notice to End Tenancy for Unpaid Rent was served and the tenant failed to pay any of the arrears. The amount being sought was \$2,000.00. The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy for Unpaid Rent.

## **Analysis**

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. The tenant did not pay the outstanding rent and did not apply to dispute the Notice.

I find that the landlord has established a total monetary claim of \$2,050.00 comprised rent of \$2,000 rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$300.00 in partial satisfaction of the claim leaving a balance due of \$1,750.00.

**Conclusion**

I hereby grant the Landlord an order under section 67 for \$1,750.00. This order must be served on the Respondent and may be filed in the Provincial Court (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: September 13, 2011.

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Residential Tenancy Branch