



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. Both parties participated in the hearing and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, what is presently a month-to-month tenancy began approximately two (2) years ago. Monthly rent is \$780.00. While a security deposit was collected at the start of tenancy, the exact amount was unable to be confirmed during the hearing.

The landlord personally served a 10 day notice to end tenancy for unpaid rent dated May 30, 2012. A copy of the notice was submitted in evidence. Subsequently, the tenant made no further payment toward rent and she continues to reside in the unit. The tenant does not dispute that rent is still overdue as follows:

\$ 20.00: May
\$780.00: June
\$780.00: July

While the tenant testified that she understands and does not dispute the landlord's application for an order of possession and a monetary order, she indicated that she hopes to be able to resolve the matter directly with the landlord by the end of this week.

Analysis

Based on the documentary evidence and testimony, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated May 30, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$1,630.00. This is comprised of unpaid rent in the amount of \$1,580.00, as set out above, in addition to the \$50.00 filing fee. In the result, I grant the landlord a monetary order under section 67 of the Act for this amount.

As to the disposition of the security deposit at the end of tenancy, the attention of the parties is drawn to section 38 of the Act which addresses **Return of security deposit and pet damage deposit**.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of \$1,630.00. Should it be necessary, this order may be served on the tenant, filed in the Small Claims Court, 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 09, 2012.

Residential Tenancy Branch