



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **Decision**

### **Dispute Codes:**

MNR, OPR, 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 May 24, 2012 and a monetary order for rent owed.

Both parties appeared at the hearing and gave evidence.

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

The issues to be determined based on the testimony and the evidence are:

Is the landlord entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent?

Is the landlord entitled to monetary compensation for rental arrears owed?

### **Background and Evidence**

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated May 24, 2012 with effective date of June 7, 2012 and a copy of the resident ledger. The tenancy began in August 2007, at which time the tenant paid a security deposit of \$750.00. Current rent is \$1,549.60 per month. The landlord testified that the tenant failed to pay \$1,549.60 rent for the months of May 2012 and June 2012 amounting to a total arrears of \$3,099.20, which is being claimed. The landlord testified that the tenant has not vacated the unit and the landlord has requested an Order of Possession effective July 31, 2012.

### **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 registered mail. The tenant has not paid the arrears and did not apply to dispute the Notice and 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. Based on the above facts I find that the landlord is entitled to an Order of Possession.

I find that the landlord has established a total monetary claim of \$3,149.20 comprised of \$3,099.20.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$766.04 in partial satisfaction of the claim leaving a balance due of \$2,383.16.

**Conclusion**

I hereby issue an Order of Possession in favour of the landlord effective July 31, 2012. This order must be served on the Respondent and is final and binding. If necessary it may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$2,383.16. This order must be served on the Respondent and is final and binding. If necessary it 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: July 03, 2012.

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Residential Tenancy Branch