



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes:

MNR, OPR, FF, CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order based on the Notice to End Tenancy for Unpaid Rent dated August 13, 2012, 2012.

The hearing was also convened to deal with an application by the tenant seeking an order cancelling the Ten Day Notice to End Tenancy for Unpaid Rent .

The landlord was in attendance. Although served with the Application for Dispute Resolution and Notice of Hearing, nobody for the tenant appeared.

As the tenant did not appear to present evidence to support the tenant's request to cancel the Ten Day Notice to End Tenancy for Unpaid Rent , the tenant's application was dismissed without leave to reapply.

Issue(s) to be Decided

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

Whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent

Whether or not the landlord is entitled to monetary compensation for rental arrears owed.

Background and Evidence

Submitted into evidence a copy of the 10-Day Notice to End Tenancy dated August 13, 2012. The landlord testified and provided proof of service that the Ten Day Notice to End Tenancy for Unpaid Rent was served in person on the tenant on August 13, 2012.

.

The landlord testified that the tenancy began in December 2011, at which time the tenant paid a security deposit of \$375.00. The landlord testified that the tenant fell into

arrears and owes \$750.00 rent for March 2012, \$750.00 for rent for April 2012, \$200.00 for July 2012, \$750.00 for August 2012 and \$750.00 for loss of rent for September 2012, for a total of \$3,200.00. The landlord testified that the tenant did not pay the arrears owed within 5 days of receiving the Ten Day Notice to End Tenancy for Unpaid Rent . The landlord has requested an Order of Possession and a monetary order for rent owed.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent in person and has not paid the outstanding rent. 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 \$3,250.00 comprised of \$3,200.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$375.00 in partial satisfaction of the claim leaving a balance due of \$2,875.00.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. This order must be served on the Respondent and 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 \$2,875.00. 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.

The tenant's application is dismissed in its entirety without leave to reapply.

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 04, 2012.

Residential Tenancy Branch