



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNDS, FF

Introduction

This hearing was scheduled in response to an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. Both parties attended the hearing and gave affirmed testimony.

Issue(s) to be Decided

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

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on September 15, 2010. Currently, the monthly rent is \$925.00, and it is due and payable in advance on the first day of each month. A security deposit of \$437.50 was collected.

Arising from rent which remained unpaid when due on September 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated September 27, 2012. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is October 5, 2012. Subsequently, the tenant made no further payment toward rent and he continues to reside in the unit.

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 September 27, 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 \$4,770.00, which is comprised as follows:

\$95.00: *unpaid rent for June*
\$925.00: *unpaid rent for July*
\$925.00: *unpaid rent for August*
\$925.00: *unpaid rent for September*
\$925.00: *unpaid rent for October*
\$925.00: *unpaid rent for November*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of \$437.50, and I grant the landlord a monetary order for the balance owed of \$4,332.50 (\$4,770.00 - \$437.50).

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 \$4,332.50. 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: November 26, 2012.

Residential Tenancy Branch