



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

This hearing concerns the landlord's application 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.

The landlord attended the hearing and gave affirmed testimony. The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") was delivered in-person to the tenant on December 31, 2012. Despite this, the tenant did not appear.

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

There is no written tenancy agreement in evidence for this tenancy which began on October 1, 2012. Monthly rent of \$650.00 is due and payable in advance on the first day of each month, and a security deposit of \$325.00 was collected.

Arising from rent which remained unpaid when due on December 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated December 18, 2012. The notice was served in-person on December 18, 2012. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is December 28, 2012. Subsequently, the tenant made no further payment toward rent and she continues to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the

landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated December 18, 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 has established entitlement to an **order of possession**.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$1,350.00, which is comprised as follows:

\$650.00: *unpaid rent for December 2012*

\$650.00: *unpaid rent for January 2013*

\$50.00: *filing fee*

I order that the landlord retain the security deposit of \$325.00, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$1,025.00** (\$1,350.00 - \$325.00).

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 **\$1,025.00**. 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: January 25, 2013

Residential Tenancy Branch

