



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CONFIDE ENTERPRISES LTD
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes:

MNR, OPR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord seeking an Order of Possession based on the Notice to End Tenancy for Unpaid Rent dated, February 12, 2013 and a monetary order for rent owed or loss of revenue.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on February 25, 2013, the tenant did not appear and the hearing proceeded in the tenant's absence.

Issue(s) to be Decided

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 tenancy began on November 10, 2007, at which time the tenant paid a security deposit of \$295.00. Rent is currently \$655.00 per month.

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated February 12, 2013 with effective date of February 22, 2013, a copy of Notice of Rent Increase, proof of service, and a copy of the tenancy agreement. No resident ledger was submitted but the landlord testified that the tenant has accrued total arrears for unpaid rent of \$2,620.00 for the period from December 2012 up to and including March 2013. The landlord testified that the tenant recently made a partial payment of \$700.00 towards the debt and was issued with a receipt "for use and occupancy only".

The landlord testified that the tenant has not vacated the unit and the landlord has requested an Order of Possession. The landlord is also seeking monetary compensation of \$1,920.00 plus \$50.00 for the cost of filing the application

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent. 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 \$1,970.00 comprised of \$1,920.00 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 \$300.18 in partial satisfaction of the claim, leaving a balance due of \$1,669.82.

I hereby grant the Landlord an order under section 67 for \$1,669.82. 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.

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 is final and binding. If necessary it may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord's application is successful and the landlord is granted a monetary order for rental arrears and an Order of Possession.

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: March 20, 2013

Residential Tenancy Branch