



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 10-Day Notice to End Tenancy for Unpaid Rent dated January 22, 2013 and a monetary order for rental arrears owed.

At the start of the hearing I introduced myself and the participants. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and all of the evidence that was served properly has been reviewed. The parties were also permitted to present affirmed oral testimony and submissions during the hearing. In making this decision, I have considered the relevant evidence and testimony provided that was properly served.

Issue(s) to be Decided

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

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated January 22, 2013, served in person on February 1, 2013. Other evidence included copies of receipts and a copy of the tenant's rent account ledger.

The landlord testified that the tenancy began on December 1, 2012, at which time the tenant was to pay a security deposit. However, no security deposit was ever paid. The landlord testified that the tenant fell into arrears for rent, starting in December 2012 and was finally served a 10-Day Notice to End Tenancy for Unpaid Rent on February 1, 2013. The landlord testified that, although the tenant paid a small portion of the debt, his rent account had accrued arrears of \$2,055.00, by March 1, 2013. The landlord seeks a Monetary Order for that amount, plus the cost of filing the application.

The landlord testified that the tenant did not file to dispute the Notice, nor did the tenant vacate the rental unit and the landlord is also seeking an Order of Possession.

The tenant acknowledged that the landlord's testimony was accurate.

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 \$2,105.00 comprised of \$2,055.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application.

I hereby grant the landlord an order under section 67 of the Act, for \$2,105.00. 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 27, 2013

Residential Tenancy Branch