



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 April 2, 2013, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

The applicant was present and participated in the hearing. Despite being served with the Notice of Hearing documents by registered mail sent on April 23, 2013, as verified by the Canada Post receipt and tracking number. However, the respondent did not appear. The hearing was therefore conducted in the respondent'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 August 1, 2012 with rent of \$750.00 per month. The landlord testified that a security deposit was supposed to be paid but the tenant failed to pay the deposit.

The landlord submitted into evidence a copy of numerous 10-Day Notices to End Tenancy including the most recent Notice dated April 2, 2013, with effective date of April 12, 2013, a copy of the tenant ledger, copies of communications and a copy of the tenancy agreement. The landlord testified that the tenant had fallen into arrears and failed to pay \$750.00 rent for September, October, November and December 2012. The tenant also failed to pay \$750.00 owed for January, February, March, April and May 2013 for total arrears accrued in the amount of \$6,750.00 which is being claimed. The landlord is also seeking reimbursement of the \$100.00 cost of filing the application. The

landlord testified that the tenant has not vacated the unit and the landlord has requested an Order of Possession.

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. 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 \$6,850.00, comprised of \$6750.00 for accrued rental arrears and the \$100.00 fee paid by the landlord for this application.

I hereby grant the landlord a monetary order, under section 67 of the Act, for \$6,850.00. 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: May 21, 2013

Residential Tenancy Branch

