



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, OPR, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to End Tenancy for Unpaid Rent and a monetary order for rental arrears.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on June 7, 2013, as confirmed by the Canada Post registered mail tracking number, the tenant did not appear.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession and a 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 May 10, 2013 with effective date of May 20, 2013, a copy of the tenancy agreement and proof of service. The landlord testified that the tenancy began on April 1, 2007, at which time the tenant paid a security deposit of \$300.00 and the current rent is \$600.00 per month.

The landlord testified that the tenant failed to pay all of the rent owed over several months and, by May 10, 2013, accrued arrears totaling \$2,795.49 and the landlord served the tenant with a 10-Day Notice to End Tenancy for Unpaid Rent by wedging it in the door frame.

The landlord testified that the tenant then defaulted on paying the \$600.00 rent owed on June 1, 2013. On June 5, 2013, the landlord made an Application for Dispute Resolution seeking monetary compensation for arrears of \$3,395.49 and an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent.

According to the landlord, the tenant subsequently paid \$920.00 towards the arrears on June 7, 2013 and another \$400.00 towards the arrears on June 9, 2013 which reduced

the arrears to \$2,075.49. However, the tenant failed to pay \$600.00 in rent owed on July 1, 2013 and the landlord is now seeking compensation for arrears of \$2,675.49 plus the \$50.00 cost of 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 evidence, I find the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. 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 \$2,725.49, comprised of \$2,675.49 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the tenant's security deposit and interest of \$307.94 in partial satisfaction of the claim leaving a balance due of \$2,417.55.

I hereby grant the Landlord an order under section 67 for \$2,417.55. 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 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: July 04, 2013

Residential Tenancy Branch