



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: OPR, MNR, MNDC, FF

### Introduction

This hearing was scheduled in response to an application by the landlord 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 / and recovery of the filing fee.

While both parties initially attended and gave affirmed testimony, within several minutes after the start of the hearing, the tenant withdrew from the telephone conference call and did not call back in.

During the hearing the landlord's agent requested an amendment to the application to include retention of the security deposit and pet damage deposit. The landlord's request is so granted.

### 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

Pursuant to a written tenancy agreement, the tenancy began on June 1, 2012. Monthly rent and the fee assessed for monthly parking are both due and payable in advance on the first day of each month. The current rent is \$1,095.00 and parking is \$20.00. A security deposit of \$547.50 and a pet damage deposit of \$200.00 were collected on May 5, 2012.

Arising from rent which remained unpaid when due on August 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 2, 2013. The notice was served by way of posting on the unit door on that same date. A copy of the notice

was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is August 15, 2013. Subsequently, on August 24, 2013 the tenant paid the full amount of rent due for August (\$1,095.00), in addition to the fee assessed for late payment of August rent (\$20.00), and the fee assessed for August parking (\$20.00).

The landlord's agent testified that the tenant has also paid all monies due for September, in addition to the \$50.00 filing fee paid by the landlord for this application.

Finally, however, the landlord's agent testified that no payment whatsoever has thus far been received from the tenant for October.

### Analysis

Based on the documentary evidence and the affirmed testimony of the parties, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated August 2, 2013. The tenant did not pay the full amount of rent outstanding 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 compensation of **\$1,135.00**, which is calculated as follows:

\$1,095.00: *unpaid rent for October*  
\$20.00: *fee assessed for late payment of October rent*  
\$20.00: *fee assessed for October parking*

I order that the landlord retain the security deposit of \$547.50 and the pet damage deposit of \$200.00 [**total: \$747.50**], and I grant the landlord a **monetary order** for the balance owed of **\$387.50** (\$1,135.00 – 747.50).

### 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 **\$387.50**. Should it be necessary, 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: October 04, 2013

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Residential Tenancy Branch

