



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Hollyburn Estates Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing concerns the landlord's application 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 / retention of the security deposit / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

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, tenancy began on March 1, 1996. Monthly rent is due and payable in advance on the first day of each month. The current monthly rent is \$1,154.00. A security deposit of \$367.50 was collected at the start of tenancy.

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 8, 2013. The notice was served in-person on the tenant 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 18, 2013. Subsequently, the tenant has made no further payment toward rent and she continues to reside in the unit.

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 8, 2013. The tenant did not pay any portion of the outstanding rent 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 a claim of **\$3,587.00**:

- \$1,154.00: *unpaid rent for August 2013*
- \$25.00: *fee assessed for late payment of rent*
- \$1,154.00: *unpaid rent for September 2013*
- \$25.00: *fee assessed for late payment of rent*
- \$1,154.00: *unpaid rent for October 2013*
- \$25.00: *fee assessed for late payment of rent*
- \$50.00: *filing fee*

I order that the landlord retain the security deposit of \$367.50, plus interest of \$58.90 [**total: \$426.40**], and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$3,160.60** (\$3,587.00 - \$426.40).

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 **\$3,160.60**. 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 18, 2013

Residential Tenancy Branch

