



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 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 October 10, 2013, as confirmed by the Canada Post tracking number, the tenant did not appear.

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 landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated September 24, 2013 with effective date of October 4, 2013, a copy of the tenancy agreement and proof of service. The landlord testified that the tenancy began on November 1, 2012, at which time the tenant paid a security deposit of \$710.00 and the current rent is \$1,420.00 per month. The landlord testified that the tenant failed to pay \$1,390.00 rent owed in August, 2013, \$1,420.00 for September 2013, \$1,420.00 rent for October 2013 and \$1,420.00 rent for November 2013. The landlord testified that the tenant also owes \$100.00 in accrued late fees pursuant to the tenancy agreement.

The landlord stated that the 10-Day Notice was served by registered mail sent on September 24, 2013 and provided the Canada Post tracking number.

The landlord testified that the tenant has failed to pay the arrears and has not vacated the unit and the landlord has requested a monetary order and 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 \$5,800.00, comprised of \$5,700.00 accrued rental arrears, \$100.00 late fees and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the tenant's security deposit of \$710.00 in partial satisfaction of the claim leaving a balance due of \$5,090.00.

I hereby grant the Landlord an order under section 67 for \$5,090.00. 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: November 20, 2013

Residential Tenancy Branch

