



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAKOLA RNH HOUSING SOCIETY
and [tenant name suppressed to protect privacy]

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 January 15, 2014 as confirmed by the Canada Post tacking slip, 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 December 9, 2013 with effective date of December 20, 2013, a copy of the tenancy agreement, proof of service and the tenant's rental ledger.

The landlord testified that the tenancy began in May 2012 and the current rent is \$321.00.00 per month. No security deposit was paid. The landlord testified that the tenant fell into rental arrears and only made partial payments towards the debt. The landlord testified that the partial payments were accepted for "*use and occupancy only*". According to the landlord, the tenant now owes \$1,160.00 in rental arrears, which is being claimed.

The landlord testified that the tenant has not vacated the unit and the landlord has also requested an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent .

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by registered mail sent on December 9, 2013. The tenant did not pay all the arrears within 5 days 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 \$1,210.00, comprised of \$1,160.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application.

I hereby grant the Landlord an order under section 67 for \$1,210.00. 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: February 05, 2014

Residential Tenancy Branch

