

# **Dispute Resolution Services**

Residential Tenancy Branch Office of Housing and Construction Standards

# **Decision**

## Dispute Codes:

<u>MNR, OPR, FF</u>

## 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 in person on January 31, 2014, 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 18, 2013 with effective date of December 28, 2013, a copy of the tenant's ledger and a signed letter from the tenant stating that they will move out by January 15, 2014.

The landlord testified that the tenancy began in October 2007, and no security deposit was paid. The current rent is \$600.00 per month. The landlord testified that the tenant failed to pay rent for many months and accrued arrears totaling \$13,234.00 as of December 18, 2013. The landlord testified that the tenant only paid \$300.00 in January 2014 and failed to pay the \$600.00 rent owed for February and March 2014.

The landlord testified that, although the tenant owes over \$13,000.00, he limited his claim to \$4,950.00.

The landlord testified that the tenant has not vacated the unit and the landlord has requested an Order of Possession and a Monetary Order.

## <u>Analysis</u>

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 \$5,000.00, comprised of \$4,950.00 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 \$5,000.00. 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: March 18, 2014

Residential Tenancy Branch