



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MNSD, MNDC

Introduction

This hearing dealt with applications from both the tenant and the landlord. The tenant applied to cancel a notice to end tenancy for unpaid rent. The landlord applied for an order of possession and a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement.

The landlord participated in the teleconference hearing and gave evidence. The tenant did not attend.

Issue(s) to be Decided

Should the notice to end tenancy be cancelled?

If not, is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Is the landlord entitled to a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement?

Background and Evidence

The tenancy agreement signed by the parties on April 24, 2013 indicates the tenancy started May 1, 2013 and the tenant was obligated to pay \$900.00 rent monthly in advance on the first day of the month. The landlord gave evidence that the tenant also paid a security deposit of \$450.00.

The landlord gave evidence that she served the tenant with a Notice to End Tenancy for Unpaid Rent (the "Notice") on April 11, 2014 by posting the Notice on the tenant's door. Section 90 provides that a notice served in this manner is deemed to be received by the tenant three days later, on April 14, 2014. The Notice states the tenant failed to pay

\$900.00 rent that was due April 1, 2014 and specifies an effective date, or move-out date, of April 20, 2014.

The landlord gave evidence that the tenant made no further payments after the Notice was served. The landlord believes the tenant may have vacated the rental unit over the weekend of April 26 and 27, 2014 but she has not had any contact from the tenant regarding a move-out.

The landlord gave evidence that the tenant brought a utility trailer full of garbage to the rental property on April 26 or 27, 2014 and dumped it on the property. She does not know whether there is damage to the interior of the rental unit. She wishes to withdraw her claim for damage or loss until she has an opportunity to inspect the rental unit.

Analysis

I find the tenant received the Notice on April 14, 2014. Since the tenant did not attend the hearing to advance his application, his application to cancel the notice to end tenancy is dismissed.

I accept the landlord's evidence that the tenant did not pay rent for the month of April 2014. Accordingly, the landlord is entitled to a monetary order for \$900.00. The landlord is also entitled to recover her RTB filing fee of \$50.00. I order that the landlord retain the security deposit of \$450.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$500.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Since the tenant did not pay rent for April 2014 and did not appear at the hearing to advance his application to cancel the Notice, the Notice is effective in ending tenancy and the landlord is entitled to an order of possession. I grant the landlord an order of possession which must be served on the tenant. Should the tenant fail to comply with the order, it may be filed for enforcement in the Supreme Court.

Since the landlord wishes to have an opportunity to inspect the rental unit before making a claim for compensation for damage or loss, I dismiss the landlord's application for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement, with leave to reapply.

Conclusion

I grant the landlord an order of possession and a monetary order for \$500.00. The landlord is also entitled to retain the security deposit.

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: May 02, 2014

Residential Tenancy Branch

