



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, OPR, FF, CNR

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession and a monetary order based on the Notice to End Tenancy for Unpaid Rent dated April 13, 2014.

The hearing was also convened to deal with an application by the tenant seeking an order cancelling the Ten Day Notice to End Tenancy for Unpaid Rent.

The landlord was in attendance. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent to the tenant on May 29, 2014 as verified by the Canada Post tracking data, nobody for the tenant appeared.

As the tenant did not appear to present evidence, the tenant's application is dismissed in its entirety without leave to reapply.

Issue(s) to be Decided

The remaining issues to be determined based on the testimony and the evidence are:

Is the landlord entitled to an Order of Possession based on the 10-Day Notice?

Is the landlord entitled to monetary compensation for rental arrears owed?

Background and Evidence

Submitted into evidence was a copy of the 10-Day Notice to End Tenancy dated April 13, 2014, with effective date of April 23, 2014, a copy of the tenancy agreement, proof of service and copies of communications.

The landlord testified that the tenancy began on March 15, 2014, at which time the tenant paid a security deposit of \$430.00. The landlord testified that the tenant failed to pay \$430.00 rent owed for the remainder of month of March 2014 and \$860.00 due on April 1, 2014 after which the tenant was issued with a Ten Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenant did not pay the arrears and then failed to pay \$860.00 rent for May 2014 and \$860.00 rent for June 2014. The landlord testified that the tenant is now \$3,010.00 in arrears. The landlord has requested an Order of Possession and a monetary order for 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 posting it on the tenant's door. I find that the tenant has not paid the outstanding rent. 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 \$3,060.00 comprised of \$3,010.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the tenant's security deposit of \$430.00 in partial satisfaction of the claim leaving a balance due of \$2,630.00.

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 may be filed in the Supreme Court and enforced as an order of that Court.

I hereby grant the Landlord an order under section 67 for \$2,630.00. This order must be served on the Respondent and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

The tenant's application is dismissed in its entirety without leave to reapply.

Conclusion

The tenant's application is dismissed and landlord is successful in the cross application and is granted an Order of Possession and a monetary order for rental arrears.

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: June 09, 2014

Residential Tenancy Branch

