



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, OPR, MNSD, FF, MNDC, RP, ERP, PSF, LRE, AAT, RR

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 dated March 26, 2014, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim.

The hearing was also convened to deal with an application by the tenant seeking a an Order cancelling a Ten Day Notice to End Tenancy for Unpaid Rent, to cancel a One-Month Notice to End Tenancy for Cause and orders forcing the landlord to make repairs, provide services and facilities and permit the tenant access to and from the suite. The tenant was also seeking an order suspending or setting conditions on the landlord's right to enter. Finally, the tenant was seeking a rent reduction for repairs.

The landlord was in attendance. Although served with the Application for Dispute Resolution and Notice of Hearing nobody for the tenant appeared.

As the tenant did not appear, the tenant's application is hereby dismissed without leave to reapply. The hearing proceeded with respect to the landlord's application.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession and Monetary Order based on the 10-Day Notice to End Tenancy for Unpaid Rent?

Background and Evidence

Submitted into evidence was a copy of the 10-Day Notice to End Tenancy dated March 26, 2014, a copy of the One Month Notice to End Tenancy for Cause dated March 26, 2014, copies of communications, a copy of the tenancy agreement and proof of service.

The landlord testified that the tenant owes \$50.00 for rent for February 2014, and \$590.00 for each month including March 2014, April 2014, May 2014 and June 2014 for total arrears of \$2,410.00 plus a claim for the \$50.00 cost of the application.

The landlord testified that the tenant did not dispute the Notice, did not pay the arrears and has not vacated the unit. The landlord seeks an Order of Possession and a monetary order for rent owed.

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 door. The tenant has not paid the outstanding rent 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 \$2,460.00 comprised of \$2,410.00 in accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit of \$265.00 in partial satisfaction of the claim leaving a balance due of \$2,195.00.

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 for \$2,195.00. 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 Landlord is successful in the application and is granted an Order of Possession and a monetary order. The tenant's application is dismissed without leave.

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 02, 2014

