



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary. The hearing was conducted by conference call. The landlord's representative called in and participated in the hearing. The tenant did not appear although he was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on July 31, 2014.

Issues

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order?

Background and Evidence

This tenancy began on July 16, 2013. The rent is \$710.00 due in advance on the first day of each month plus a \$10.00 parking charge. The tenant paid a security deposit of \$355.00 at the start of the tenancy. The tenant did not pay rent for July when it was due. On July 2, 2014 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. The tenant has not paid rent for July, August, September or for October and he did not file an application to dispute the Notice to End Tenancy.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant

does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit – The tenant has not paid rent or parking charges since June. I award the landlord unpaid rent and parking for July, August and September. With respect to October rent, I award the landlord a half months rent in the amount of \$355.00 because it remains to be seen whether or not the landlord will be able to re-rent the unit for some part of October. The landlord will have leave to reapply to claim costs for cleaning, repairs or loss of rental income if further losses are incurred. The landlord is entitled to recover late fees of \$20.00 per month for four months. I find that the landlord has established a total monetary claim of \$2595.00 for the outstanding rent as satiated and parking and late fees. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2,645.00. I order that the landlord retain the deposit and interest of \$355.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,290.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: October 02, 2014

Residential Tenancy Branch

