



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNR, MNDC, FF

### Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

### Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

The unit which is the subject of this dispute is 1 of what are 5 separate rooms rented within a house. Tenants share kitchen and bathroom facilities.

There is no written tenancy agreement in evidence for this tenancy which began approximately 1 year ago. Monthly rent of \$450.00 is due and payable in advance on the first day of each month. No security deposit or pet damage deposit was collected.

Arising from rent which remained unpaid when due on October 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 13, 2014. The notice was personally served on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is October 23, 2014. Subsequently, the tenant has made no further payment toward rent and he continues to reside in the unit.

### Analysis

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated October 13, 2014. The tenant did not pay the outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant 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. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for compensation, I find that the landlord has established a claim of **\$2,750.00**:

\$450.00: *unpaid rent for July*  
\$450.00: *unpaid rent for August*  
\$450.00: *unpaid rent for September*  
\$450.00: *unpaid rent for October*  
\$450.00: *unpaid rent for November*  
\$450.00: *unpaid rent for December*  
\$50.00: *filing fee*

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,750.00**. This order may be served on the tenant, 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: December 02, 2014

---

Residential Tenancy Branch

