



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding DAVID BURR LTD.
and [tenant name suppressed to protect privacy]

Decision

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

This is an application by the landlord seeking an order of possession and rental arrears based on a Ten Day Notice to End Tenancy for Unpaid Rent dated January 6, 2015.

Both parties were present at the hearing and the hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing and were also permitted to present affirmed oral submissions during the hearing. I have considered all of the relevant evidence that was properly served.

Issue(s) to be Decided

Is the landlord entitled to compensation for rental arrears?

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that the tenancy began in December 2014. Rent was set at \$1,150.00 per month. A security deposit of \$575.00 is being held by the landlord.

The landlord testified that the tenant fell into arrears for rent in the amount of \$2,467.00 which is being claimed. The landlord seeks a monetary order for rent and an order of possession based on the 10 Day Notice to End Tenancy for Unpaid Rent.

The tenant stated that, although he made partial payments, he could not catch up on the arrears.

Analysis

With respect to rent, section 26 of the Act states that rent must be paid when it is due under the tenancy agreement.

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent on January 6, 2015 sent by registered mail. Records indicate that the mail was received on January 28, 2015.

The tenant has not paid all of 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.

Based on the evidence before me, I find the landlord entitled to total monetary compensation of \$2,517.00, comprised of \$2,467.00 for rental arrears and the \$50.00 cost of the application.

I order that the landlord retain the tenant's security deposit of \$575.00 in partial satisfaction of the claim, leaving \$1,942.00 still owed to the landlord.

I hereby grant the Landlord a monetary order for \$1,942.00. 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.

I hereby issue an Order of Possession in favour of the landlord effective February 20, 2015. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

Conclusion

The landlord is successful in the application and is awarded monetary compensation for the rent owed and an Order of Possession

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: February 10, 2015

Residential Tenancy Branch

