



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, OPT, OPR, MNR, MNSD, MNDC, FF

Introduction

In the first application, the tenant seeks to cancel a ten day Notice to End Tenancy for unpaid rent and for an extension of time to do so. He also seeks an order of possession for the rental unit.

In the second application, the landlord seeks an order of possession pursuant to the ten day Notice and a monetary award for unpaid rent or loss of rental income and to keep the security deposit.

The tenant did not attend the hearing within ten minutes after its scheduled start time. The landlord attended and was ready to defend against the tenant's claims. In these circumstances, the tenant's application must be dismissed.

Issue(s) to be Decided

Does the relevant evidence presented at hearing show on a balance of probabilities that the tenant has been served with the landlord's claim and, if so, does it show that the tenancy has ended or that the tenant owes the landlord rent?

Background and Evidence

The rental unit is a house. According to the written tenancy agreement submitted by the landlord the tenancy started in September 2010. The monthly rent is \$1700.00, due on the first of each month, in advance. The landlord holds an \$850.00 security deposit.

The landlord testifies that the tenant was served with the application and notice of hearing by registered mail addressed to the rental unit, where the tenant continues to reside. Canada Post records show that the tenant received and signed for the mail on October 21, 2015. I find that the tenant has been duly served.

The landlord testifies that the tenant has not paid any money since being served with the ten day Notice. He says the tenant owes \$600.00 for unpaid August 2015 rent, \$600.00 for unpaid September rent, \$1700.00 for unpaid October 2015 rent and \$1700.00 for unpaid November rent; a total of \$4600.00.

Analysis

By operation of s. 46 of the *Residential Tenancy Act* (the “RTA”) as a result of the ten day Notice this tenancy ended on October 21, 2015 and the landlord is entitled to an order of possession.

I accept the landlord’s undisputed evidence about arrears and award him \$4600.00 as claimed, plus recovery of the \$50.00 filing fee. I authorize the landlord to retain the \$850.00 security deposit in reduction of the amount awarded.

There will be a monetary order against the tenant for the remainder of \$3800.00

Conclusion

The tenant’s application is dismissed.

The landlord will have an order of possession and a monetary order against the tenant in the amount of \$3800.00.

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: November 26, 2015

Residential Tenancy Branch

