



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, CNC, CNR, FF

Introduction

This hearing dealt with cross applications. The landlord is seeking an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant filed an application seeking to have a Ten Day Notice to End Tenancy for Unpaid Rent or Utilities set aside. Both parties were given a Notice of Hearing letter from the Branch at the time they filed their application indicating today's date, time and passcode for this hearing. I am satisfied that both parties were aware of today's hearing. The landlord participated in the teleconference, the tenant did not. As the tenant chose not to participate in the conference call I dismiss their application in its entirety.

Preliminary Issue

The landlord advised that they had served the tenant several notices to end tenancy but wished to pursue the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. The hearing proceeded and completed on that basis.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about July 15, 2014. Rent in the amount of \$1900.00 is payable in advance on the 15th day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$700.00. The tenant failed to pay rent that was due on February 15, 2016 and on February 26, 2015 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent that was due on March 15, 2016. The landlord advised that as of today's hearing the amount of unpaid rent is \$3800.00.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed 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. The tenant must be served with the order of possession. 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.

As for the monetary order, I find that the landlord has established a claim for \$3800.00 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I order that the landlord retain the \$700.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$3200.00.

This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$3200.00. The landlord may retain the security deposit.

The tenants' application is dismissed in its entirety.

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: April 13, 2016

Residential Tenancy Branch