



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: MNR MNSD OPR FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an Order of Possession based on the Notice to end Tenancy for Unpaid Rent dated November 13, 2008, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim. Although served with the Application for Dispute Resolution and Notice of Hearing in person on November 24, 2008 the tenant did not appear.

Issue(s) to be Decided

The landlord is seeking an Order of Possession and a monetary order claiming \$4,100.00.

The issues to be determined based on the testimony and the evidence are:

Whether or not the landlord is entitled to an Order of Possession based on the 10-Day Notice to End Tenancy for Unpaid Rent and

Whether or not the landlord is entitled to monetary compensation for rental arrears owed.

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated December 13, 2008 with effective date of November 26, 2008. The landlord testified that the tenant failed to pay \$100.00 rent for the month of October 2008, \$2,000.00 rent for the month of November 2008, and \$2,000.00 rent for the month of December 2008.



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The landlord testified that since the tenancy started in July 2007, additional residents have moved into the unit and that due to the clutter around the yard, the municipality had intervened and charged the owner/landlord for cleaning up the premises.

The landlord testified that, although he considers the tenant to be a decent fellow, the tenancy must end because of the tenant's failure to pay rent and the landlord needs to re-rent the unit as soon as possible to paying tenants.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent. The tenant has not paid 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

I find that the landlord has established a total monetary claim of \$4,150.00 comprised of \$100.00 rent for the month of October, 2008, \$2,000.00 rent for the month of November, 2008, \$2,000.00 rent for the month of December, 2008 and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security deposit and interest of \$766.38 in partial satisfaction of the claim leaving a balance due of \$3,383.62.

Conclusion

I hereby issue an Order of Possession in favour of the landlord effective two days after service on the tenant. .This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.



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I hereby grant the landlord a monetary order under section 67 for \$3,383.62. 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.

Dated: December , 2008