



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

Decision

Dispute Codes:

MNR

OPR

MNSD

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 April 13, 2010, a monetary order for rent owed and an order to retain the security deposit in partial satisfaction of the claim. Both parties appeared and gave testimony in turn.

Issue(s) to be Decided

The landlord was seeking an Order of Possession. The landlord was also seeking a monetary order claiming unpaid rent of \$894.00 each month for March 2010, April 2010, May 2010 and \$894.00 loss of rent for June 2010 and the \$50.00 cost of filing the application.

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

Whether or not the landlord is entitled to monetary compensation for rental arrears owed and loss of rent.

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated April 13, 2010 with effective date of April 23, 2010, a copy of an earlier Notice issued on March 4, 2010 a copy of the resident ledger and a copy of the tenancy agreement. The landlord testified that the tenancy began on June 15, 2006, at which time the tenant paid a security deposit of \$402.50. The landlord testified that the tenant failed to pay \$894.00 rent for March 2010 and failed to pay rent for April, May and June as well accruing arrears in the amount of \$3,576.00 for which a monetary order is being sought. The landlord testified that the tenant has not vacated the unit and the landlord has requested an Order of Possession.

The tenant did not dispute that the money was owed, but stated that she hoped some arrangement could be made with the landlord to have the outstanding amount paid. The parties planned to discuss this possibility after the hearing ended, which would not impact the outcome of these proceedings at this time.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent by posting it on the door. 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 \$3,626.00 comprised of \$3,576.00 accrued rental arrears and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security a deposit

and interest of \$415.67 in partial satisfaction of the claim leaving a balance due of \$3,210.33.

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.

I hereby grant the Landlord an order under section 67 for \$3,210.33. 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.

June 2010

Date of Decision

Dispute Resolution Officer