



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

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 January 3, 2011, 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 January 19, 2011 in front of a witness, the tenant did not appear.

Issue(s) to be Decided

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.

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated January 3, 2011 with effective date of January 14, 2011 and a copy of the tenancy agreement. The landlord testified that the tenancy began on January 1, 2010, with rent of \$900.00 per month at which time the tenant paid a security deposit of \$450.00 and Pet Damage Deposit of \$450.00. The landlord testified that the tenant failed to pay \$145.00 rent owed for the month of December 2010 and \$900.00 for January 2011, amounting to a total of \$1,045.00 which is being sought by the landlord in addition to a \$25.00 late fee under the tenancy agreement. The landlord testified that the tenant has not vacated the unit and the landlord has requested an immediate Order of Possession.

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 \$1,120.00 comprised of \$1,045.00 accrued rental arrears, \$25.00 late fee and the \$50.00 fee paid by the landlord for this application. I order that the landlord retain the security and pet-damage deposits totalling \$900.00 in partial satisfaction of the claim leaving a balance due of \$220.00 for the landlord.

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 \$220.00. 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.

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 2011.

Residential Tenancy Branch