



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession for unpaid rent; a Monetary Order for unpaid rent; and to recover the filing fee associated with this application.

Both parties attended the hearing and provided affirmed testimony. They were given a full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so for what amount?

Is the landlord entitled to recover the filing fee?

Background and Evidence

The rental unit consists of the basement of a single detached home. Pursuant to a verbal agreement, the month to month tenancy started in March 2010. The rent is \$600.00 per month and the tenant paid a security deposit of \$300.00.

The landlord testified that the tenant has not paid rent since April 2011, and that to date he owes four months' rent to an amended monetary claim of \$2400.00. In his documentary evidence, the landlord provided a copy of a 10 Day Notice to End Tenancy served on the tenant in person on June 2nd, 2012.

The tenant did not dispute the landlord's testimony and agreed that he owed \$2400.00 in unpaid rent.

Analysis

Section 46(5) of the *Residential Tenancy Act* provides that if a tenant who has received a notice to end tenancy for non-payment of rent does not pay the rent or makes an application for dispute resolution within 5 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. The tenant in this matter has not filed an application for dispute resolution.

Based on the above and the parties' testimony, the landlord is entitled to an order of possession and a monetary order as claimed in the hearing.

Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenant. This Order must be served on the tenant. If necessary, this Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The landlord established a claim of \$2400.00. I authorize the landlord to retain the tenant's \$300.00 security deposit for a balance owing of \$2100.00. Since the landlord was successful, I award the landlord recovery of the \$50.00 filing fee. Pursuant to Section 67 of the Act, I grant the landlord a Monetary Order totalling \$2150.00.

This Order may be registered in the Small Claims Court 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: July 07, 2011.

Residential Tenancy Branch