



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Metro Vancouver Housing Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Preliminary Matter

Pursuant to a request from the landlord's agent and with the consent of male tenant "CA," the landlord's original application was amended. Specifically, the name of former female tenant "LSA" is deleted from the original application, and documents issued as a result of this hearing will bear only the name of the landlord and male tenant "CA." It is understood that female tenant "LSA" vacated the unit and the tenancy agreement was amended accordingly effective May 1, 2013.

Background and Evidence

Pursuant to a written tenancy agreement, tenancy began on May 1, 2003. Monthly rent is due and payable in advance on the first day of each month. Effective September 1, 2013, monthly rent increased from \$1,014.00 to \$1,040.00. A security deposit of \$422.50 was collected at the start of tenancy.

Arising from rent in the total amount of \$1,022.00 which remained unpaid when due on August 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 14, 2013 (\$8.00: July & \$1,014.00: August). The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is

August 24, 2013. Subsequently, the tenant has made no further payment toward rent and he continues to reside in the unit. During the hearing the tenant testified that he does not dispute any aspect of the landlord's application.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and testimony of the parties, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated August 14, 2013. The tenant did not pay the full amount of outstanding rent within 5 days of receiving the notice, and did not apply to dispute the notice. The tenant 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. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for the monetary order, I find that the landlord has established entitlement to a claim of **\$3,152.00**, which is calculated as follows:

\$8.00: *unpaid rent July 2013*
\$1,014.00: *unpaid rent August 2013*
\$1,040.00: *unpaid rent September 2013*
\$1,040.00: *unpaid rent October 2013*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of \$422.50, plus interest of \$14.97 [**total: \$437.47**], and I grant the landlord a **monetary order** for the balance owed of **\$2,714.53** (\$3,152.00 - \$437.47).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$2,714.53**. Should it be necessary, this order may be served on the tenant, filed 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: October 16, 2013

Residential Tenancy Branch

