



Dispute Resolution Services

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

DECISION

Dispute Code: OPC, MND, MNR, & MNSD.

This hearing dealt with an application by the landlord seeking an Order of Possession based on cause, a monetary claim related to damage and non-payment, and a request to retain the tenant's security deposit plus interest in partial satisfaction of this claim. Although the tenant was served with notice of the landlord's application and notice of this hearing by registered mail, the tenant did not appear.

I am satisfied, in the absence of any evidence from the tenant, that she was served with a one month's Notice to End Tenancy for cause. The tenant had ten days from receiving that notice to dispute the notice by filing an application for dispute resolution. Having failed to exercise that right, the tenant is conclusively presumed to have accepted the end of the tenancy pursuant to section 47(5) of the *Act*.

On this basis I grant the landlord's request for an Order of Possession effective **two (2) days** after it is served upon the tenant. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I am also satisfied that the tenant has failed to pay the full rent for August and September 2008. The tenant was short in the full rent of August 2008 by \$115.00 and did not pay the \$615.00 owed for September 2008. I also find that the tenant must reimburse the landlord the \$50.00 filing fee paid for this application for a total monetary claim of \$780.00. From this sum I Order that the landlord may retain the tenant's security deposit plus interest of \$311.89 in partial satisfaction of this claim.

I grant the landlord a monetary Order for the remaining balance of **\$468.11**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated September 19, 2008.