



# Dispute Resolution Services

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

## **DECISION**

**Dispute Codes:** MNR, MNSD, OPR, FF

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served in person with the application for dispute resolution and notice of hearing on September 25, 2008, the tenant did not participate in the conference call hearing.

On September 1, 2005, the landlord collected a security deposit from the tenant in the amount of \$400.00. On the same day, the tenancy began. Rent in the amount of \$862.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of September and on September 5, 2008 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant did not pay the September rent until September 24, 2008. The tenant further failed to pay rent in the month of October.

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent within 5 days of receipt of the notice and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed 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. The tenant must be served with the order of possession. 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.

The landlord is seeking to recover unpaid rent for October in the amount of \$862.00, \$25.00 late payment charges as stipulated in Section Q, Schedule A of the tenancy agreement, and \$50.00 filing fee. I find that the landlord has established a claim for all of these amounts for a total of \$937.00. I order that the landlord retain the security

deposit and interest of \$413.01 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$523.99. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated October 22, 2008.