



# 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

## Introduction

This application was brought by the landlord seeking an Order of Possession pursuant to a Notice to End Tenancy for unpaid rent served September 4, 2008 by registered mail. The landlord also sought a Monetary Order for the unpaid rent, and filing fee, and authorization to retain the security deposit in set off against the balance owed.

## Issue(s) to be Decided

This application requires a decision on whether the landlord is entitled to an Order of Possession and the effective date, and whether a Monetary Order is due, the amount, and if the filing fee and off setting security deposit should be included.

## Background and Evidence

This tenancy began June 13, 2008. Rent is \$1,000 per month and the landlord holds a security deposit of \$500 paid on June 10, 2008.

During the hearing, the landlord gave evidence that the notice to end tenancy had been served when the tenant failed to pay the rent for August 2008 in full. In the interim, the tenant has not paid rent for September or October.

## Analysis

Section 46 of the *Act* which deals with notice to end tenancy for unpaid rent provides that a tenant may pay the overdue rent or make application for dispute resolution within five days of receiving the notice.

If the tenant does neither, they are presumed to have accepted that the tenancy ends on the date stated on the notice. In this matter, the tenant has not paid the rent and has not made application to dispute the notice.

Therefore, the landlord requested, and I find he is entitled to, an Order of Possession effective two days from service of it on the tenant. I further find that the landlord is entitled to a Monetary Order for the unpaid rent and filing fee for this proceeding and authorization to retain the security deposit in set off as follows:

August rent shortfall	\$ 825.00
September rent	1,000.00
October rent	1,000.00
Filing fee	<u>50.00</u>
Sub total	\$2,875.00
Less retained security deposit	- 500.00
Less interest (June 10, 2008 to date)	<u>- 2.64</u>
<b>TOTAL</b>	<b>\$2,372.36</b>

### **Conclusion**

Thus, the landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, effective two days from service of it on the tenant.

In addition, the landlord's copy of this decision is accompanied by a Monetary Order for \$2,372.36, enforceable through the Provincial Court of British Columbia, for service on the tenant.

Dated: October 16, 2008