



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNSD FF

### Introduction

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 with the application for dispute resolution and notice of hearing by registered mail on July 29, 2011, the tenant did not participate in the conference call hearing.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

### Background and Evidence

The tenancy began on February 1, 2008. Rent in the amount of \$825 is payable in advance on the first day of each month. On January 8, 2008, the landlord collected a security deposit from the tenant in the amount of \$375. The tenant failed to pay full rent in the month of June 2011 and paid no rent in July 2011. On July 11, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of August 2011.

The landlord has claimed the following monetary amounts:

- 1) \$211 in outstanding rent for June 2011
- 2) \$825 in unpaid rent and a \$25 late payment fee, as per the tenancy agreement, for July 2011
- 3) \$825 in lost revenue for August 2011
- 4) \$213.27 for an outstanding electricity bill – the tenant is responsible for his electricity, but when the tenant fell behind paying his electricity bill, the electricity provider sent a copy of the bill to the landlord

### Analysis

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 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.

As for the monetary order, I find that the landlord is entitled to all of the amounts claimed except for the electricity bill. The bill is still in the tenant's name, and has not yet become a debt of the landlord; therefore, the landlord's application for this amount is premature.

As the landlord's application was mostly successful, I find that they are entitled to recovery of the \$50 filing fee for the cost of their application.

### Conclusion

I grant the landlord an order of possession effective two days from service. 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 entitled to \$1936. I order that the landlord retain the deposit and interest of \$380.52 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1555.48. This order may be 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: August 29, 2011.

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Residential Tenancy Branch