



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order permitting him to retain the security deposit in partial satisfaction of the claim. The landlord testified that the application for dispute resolution and notice of hearing were posted on the tenant's door on August 24. I found that the tenant had been properly served with notice of the claim for an order of possession and the hearing proceeded to address that claim.

Section 89(1) of the Act provides that an application for dispute resolution which includes a monetary claim must be served on the tenant either personally or by registered mail. I find that the monetary claim was not adequately served on the tenant and I dismiss that claim with leave to reapply.

Issue to be Decided

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord testified that the tenant was obligated to pay \$770.00 in rent in advance on the first day of each month. The tenant did not pay rent in the month of August and on August 8 the landlord posted on the door of the rental unit a notice to end tenancy for unpaid rent.

Analysis

I accept the landlord's undisputed testimony and I find that the landlord posted the notice to end tenancy on August 8. I find that the tenant received the notice to end tenancy on August 11, 3 days after it was posted. The tenant did not pay the rental arrears or dispute the notice within 5 days of receipt and pursuant to section 46(5) of the Act I find that he is conclusively presumed to have accepted that the tenancy ended.

I grant the landlord an order of possession which may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord should recover the \$50.00 filing fee paid to bring this application. The landlord may deduct \$50.00 from the security deposit.

Conclusion

The monetary claim is dismissed with leave to reapply. The landlord is granted an order of possession and may deduct \$50.00 from the security deposit.

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: September 26, 2011

Residential Tenancy Branch