



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 September 23, 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 July 1, 2011. Rent in the amount of \$1350 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$650. The tenant failed to pay \$250 of the rent in the month of August 2011, and paid no rent on September 1, 2011. On September 14, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. On September 27, 2011 the tenant paid \$540, and the landlord gave the tenant a receipt stating that the amount received was for use and occupancy only. On September 30, 2011, the tenant paid \$1350, and the landlord issued another receipt indicating that the amount was received for use and occupancy only. The landlord has claimed the outstanding amount of \$1060.

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 has established a claim for \$1060 in lost revenue. The landlord is also entitled to recovery of the \$50 filing fee.

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 \$1110 in unpaid rent and lost revenue. I order that the landlord retain the security deposit of \$650 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$460. This order may be filed in the Small Claims Court and enforced as an order of that Court.

This decision and orders are final and binding, and are 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: October 24, 2011.

Residential Tenancy Branch