



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC 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. The landlord and one of the two tenants participated in the conference call hearing.

I have reviewed all evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

### 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 September 1, 2011. Rent in the amount of \$2100 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected from the tenants a security deposit in the amount of \$1050 and a pet deposit in the amount of \$200.

On December 14, 2011 the landlord served the tenants with a notice to end tenancy for cause. The tenants did not apply to cancel the notice. The effective date of the end of tenancy is January 31, 2012. The tenants paid no rent for January 2012. The tenant did not dispute these facts.

### Analysis

The tenants were served with a notice to end tenancy for cause and they did not apply for dispute resolution to dispute the notice. The tenants are therefore conclusively presumed to have accepted that the tenancy ends on the effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$2100 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective January 31, 2012. The tenants must be served with the order of possession. Should the tenants 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 \$2150. I order that the landlord retain the security and pet deposits of \$1250 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$900. 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: January 16, 2012.

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Residential Tenancy Branch