



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNDC, MNR, MNSD, OPR, 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 February 13, 2012, the tenant did not participate in the conference call hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The evidence of the landlord's agent is as follows. The tenant is obligated to pay \$750.00 per month in rent in advance on the first day of each month. The tenant failed to pay \$360.00 of her rent in December 2011 and failed to pay any rent whatsoever in January 2012. On January 30 the landlord served the tenant with a notice to end tenancy by posting the notice on the door of the rental unit. The tenant further failed to pay rent in the month of February.

Analysis

I accept the undisputed testimony of the landlord's agent and I find that the tenant did not pay all of the rent owing for the months of December and January and that on January 30 she was served with a notice to end tenancy for non-payment of rent. I find that she was deemed to have received the notice three days later on February 2. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply 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. 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.

As for the monetary order, I find that the landlord is entitled to recover the unpaid rent for the months of December – February inclusive as well as the \$50.00 filing fee paid to bring this application and I grant the landlord a monetary order under section 67 for \$1,910.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$1,910.00. If the landlord holds security or pet deposits, he may retain those deposits which will serve to reduce the enforceable amount of the monetary order.

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: February 24, 2012

Residential Tenancy Branch