



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC

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. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

At the outset of the hearing both parties advised that the tenant has moved out and an order of possession is no longer required; accordingly I dismiss that portion of the landlord's application.

The tenancy began on or about September 1, 2011. Rent in the amount of \$1100.00 is payable in advance on the first day of each month. This was to be a fixed term tenancy of one year. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$550.00. The tenant failed to pay rent in the month(s) of January 2012 and on January 9, 2012 the landlord served the tenant with a notice to end tenancy. The landlord is seeking \$1100.00 in unpaid rent as well as \$550.00 for liquidated damages as per their tenancy agreement.

The tenant does not dispute the amount sought by the landlord and fully acknowledges his responsibility. The tenant and landlord have a good working relationship and are in discussions on how to assist the tenant to repay all rental arrears.

Analysis

I accept the undisputed testimony of both parties and I find that the tenant was served with a notice to end tenancy for non-payment of rent. 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.

As for the monetary order, I find that the landlord has established a claim for \$1650.00. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$550.00 deposit. I grant the landlord an order under section 67 for the balance due of \$1150.00. 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 a monetary order for \$1150.00. The landlord may retain 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: February 14, 2012.

Residential Tenancy Branch