



# 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 personally served with the application for dispute resolution and notice of hearing on April 28, 2012, 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 August 1, 2011. Rent in the amount of \$2390 is payable in advance on the first day of each month. At the outset of the tenancy, the tenant paid the landlord a security deposit of \$1195 and a pet deposit of \$1195. The tenant failed to pay \$1390 of the rent for March 2012 and paid no rent for April 2012, and on April 13, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant paid \$1500 toward the outstanding rent on April 28, 2012. The landlord has applied for the balance of \$2280 in unpaid rent for April 2012.

### 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 \$2280 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 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 \$2330. I order that the landlord retain this amount from the pet and security deposits of \$2390 in full satisfaction of their monetary award. The landlord continues to hold \$60 of the security deposit in trust for the tenant, and it must be dealt with in accordance with the Act.

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: May 22, 2012.

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Residential Tenancy Branch