



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

This matter originally proceeded by way of direct request. In the decision on the direct request proceeding, the dispute resolution officer found there were some inconsistencies in terms of service that would be best resolved in a participatory hearing. The landlord was ordered to serve the tenant with notice of the teleconference hearing. I was assigned the teleconference hearing, which convened on May 31, 2012.

The tenant did not participate in the teleconference hearing. The landlord testified that he served the tenant notice of the reconvened hearing and the landlord's amended application by registered mail on May 9, 2012, but the tenant did not accept the registered mail package.

I found that the tenant was deemed served with the notice of reconvened hearing and the landlord's amended application. I proceeded with the hearing and allowed the landlord's amendment to claim for May 2012 rent and the \$50 filing fee for the cost of the application.

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 October 19, 2010. Rent in the amount of \$1800 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 \$900 and a pet deposit of \$300. The tenant failed to pay rent in the month of April 2012 and on April 24, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of May 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 \$3600 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 \$3650. I order that the landlord retain the security and pet deposits of \$1200 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2450. 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: May 31, 2012.

Residential Tenancy Branch