



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD and FF

Introduction

This hearing was convened on an application by the landlord on June 8, 2012 for an Order of Possession pursuant to a Notice to End Tenancy for cause served in person on April 26, 2012. The landlord also sought a monetary award for unpaid rent and recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off against the balance owed.

Despite having been served with the Notice of Hearing on June 11, 2012, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing. Therefore, it proceeded in her absence.

Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to an Order of Possession and a Monetary Order.

Background and Evidence

According to the landlord, this tenancy began in late November 2011. Rent is \$800 per month, due on the 29th of the month, with a \$75 discount from that amount in consideration of shared utilities. The landlord holds a security deposit of \$400 paid at the beginning of the tenancy.

During the hearing, the landlord gave evidence that she had served the Notice to End Tenancy for cause on April 26, 2012 after receiving numerous complaints of disturbance from other tenants.

The Notice to End Tenancy set an end of tenancy date of May 29, 2012. However, the landlord gave evidence that the tenant had remained in the rental unit to the time of the present hearing on June 27, 2012 and she has paid no rent for the month.

Analysis

Section 47 of the *Act* empowers a landlord to issue a one-month Notice to End Tenancy for cause.

Section 47(5) of the *Act*, restated on the Notice to End Tenancy, provides that if a tenant receives a one-month Notice to End Tenancy for cause and does not make application to contest the notice within 10 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice.

In the absence of such application from the tenant, I find that the landlord is entitled to an Order of Possession to take effect two days from service of it on the tenant.

I further find that the landlord is entitled to a monetary award for the rent for June 2012, recovery of the filing fee for this proceeding and authorization to retain the security deposit in set off, as follows:

Rent for June 2012	\$725.00
Sub total	\$775.00
Less retained security deposit	- <u>400.00</u>
TOTAL remaining owed to the landlord	\$375.00

Conclusion

The landlord's copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia to take effect two days from service of it on the tenant.

In addition to authorization to retain the security deposit in set off against the balance owed, the landlord's copy of this decision is also accompanied by a Monetary Order for \$375.00, enforceable through the Provincial Court of British Columbia, for service on the tenant.

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: June 27, 2012.

Residential Tenancy Branch