



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** *OPC, FF, MNR, MNSD*

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of the claim. Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Does the landlord have cause to end the tenancy? Is the landlord entitled to the filing fee?

### **Background and Evidence**

The tenancy started on June 01, 2012. The monthly rent is \$1,300.00 due in advance on the first day of each month. Prior to moving in the tenant paid a security deposit of \$650.00 and a pet deposit of \$650.00.

The tenant failed to pay rent for July and for August. On July 13, 2012, the landlord served the tenant with a one month notice to end tenancy for cause with an effective date of August 31, 2012. The reason for the notice is that the tenant was repeatedly late paying rent. The tenant agreed that he had received the two page notice but did not make application to dispute the notice.

### **Analysis**

Based on the testimony of both parties, I find that the tenant did not dispute the notice to end tenancy. Pursuant to section 47 (5) of the *Residential Tenancy Act*, if a tenant has received a notice to end tenancy for cause and does not make an application for dispute resolution within ten days after receiving the notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date.

Therefore, the landlord is entitled to an order of possession and pursuant to section 55(2); I am issuing a formal order of possession effective on or before 1:00 p.m. on August 31, 2012. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to \$2,600.00 for unpaid rent for the months of July and August 2012. Since the landlord has proven her case, she is also entitled to the filing fee of \$50.00. I order that the landlord retain the security and pet deposits of \$1,300.00 and accrued interest of \$0.00, in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,350.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

**Conclusion**

I grant the landlord an order of possession effective on or before 1:00 pm on August 31, 2012. I also grant the landlord a monetary order in the amount of \$1,350.00.

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: August 21, 2012.

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Residential Tenancy Branch