



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR; MNR; MNSD; FF

### **Introduction**

This is the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent; to retain the security deposit in partial satisfaction of its monetary claim; and to recover the cost of the filing fee from the Tenant.

The Landlord's agent gave affirmed testimony at the Hearing.

The Landlord's agent testified that the Notice of Hearing documents were mailed to the Tenant, via registered mail, to the rental unit on July 12, 2012. The Landlord provided the receipt and tracking numbers in evidence.

Based on the affirmed testimony of the Landlord's agent and the documentary evidence provided by the Landlord, I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

The Landlord's agent testified that copies of the Landlord's documentary evidence were posted to the Tenant's door on July 13, 2012.

### **Issues to be Decided**

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

### **Background and Evidence**

The Landlord's agent gave the following testimony:

Monthly rent is \$375.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$187.50 on in November, 2011. A copy of the tenancy agreement was provided in evidence.

On June 22, 2012, the Landlord's agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by handing the Notice to the Tenant, at the rental unit.

The Landlord's agent testified that the Tenant owes rent for several months and that the Tenant was making arrangements to have rent deducted from her paycheck, but she lost her job shortly after the arrangements were in place. The Landlord was attempting to give her some leeway in paying the rent because she used to be the Landlord's employee.

The Landlord's agent requested a monetary order for unpaid rent in the amount of \$1,687.50. The Landlord provided a tenant ledger in support of its application for a monetary order for unpaid rent.

### **Analysis**

I accept that the Landlord served the Tenant with the Notice to End Tenancy June 22, 2012. The Tenant did not pay the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on July 2, 2012. I find that the Landlord is entitled to an Order of Possession effective two days after service of the Order upon the Tenant.

Based on the Landlord's agent's undisputed testimony and the Landlord's documentary evidence, I find that the Landlord has established a monetary claim for unpaid rent in the amount of \$1,687.50.

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of its monetary claim. No interest has accrued on the security deposit.

The Landlord has been successful in its application and is entitled to recover the cost of the \$50.00 filing fee from the Tenant.

The Landlord has established a monetary claim as follows:

Unpaid rent	\$1,687.50
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$1,737.50
Less security deposit	<u>- \$187.50</u>
<b>TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF</b>	<b>\$1,550.00</b>

### **Conclusion**

I hereby grant the Landlord an Order of Possession effective **2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord a Monetary Order in the amount of **\$1,550.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: August 01, 2012.

---

Residential Tenancy Branch