



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MND MNR 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. The landlord applied for orders of possession pursuant to a notice to end tenancy for cause and a notice to end tenancy for unpaid rent. As the landlord did not serve the tenant with a notice to end tenancy for unpaid rent, I dismissed that portion of the landlord's application.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that on October 20, 2012 she personally served the tenant with the application for dispute resolution and notice of hearing. I accepted the landlord's testimony and found that the tenant was served with notice of the 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

Rent in the amount of \$600 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$200. On August 15, 2012 the landlord personally served the tenant with a notice to end tenancy for cause. The tenant did not apply to cancel the notice. The effective date on the notice is September 30, 2012. The tenant failed to pay \$200 of the rent in September 2012 and asked the landlord to apply the \$200 security deposit to the outstanding balance of rent for September. The tenant further failed to pay \$300 of the rent in October 2012, and he paid no rent for November 2012.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for cause has not applied for dispute resolution to dispute the notice. The tenant 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 \$1100 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 \$1150. I order that the landlord retain the security deposit of \$200 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$950. 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: November 23, 2012.

Residential Tenancy Branch