



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC 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. Both the landlord and the tenant participated in the teleconference 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

The tenancy began on October 15, 2011. Rent in the amount of \$850, plus \$15 for parking, 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 \$425 and a pet deposit of \$425. The tenant also paid \$45 for key and remote key deposits. The tenant failed to pay rent in the month of October 2012 and on October 11, 2012 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant made a partial payment of the outstanding amount but then failed to pay rent in the month of November 2012. As of the hearing date, the tenant owed \$1420 in unpaid rent. The tenant did not dispute these facts.

### Analysis

Based on the evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the full 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 \$1420 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee for the cost of the application.

### 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 \$1470. I order that the landlord retain the security and pet deposits of \$850 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$620. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I note that the key and key remote deposits remain in the landlord's possession until such time as the tenant returns the keys; at that time the landlord must immediately refund the key deposits.

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 26, 2012.

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Residential Tenancy Branch