



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute codes      OP MNR MNSD FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The hearing was conducted by conference call. The landlord and the named tenant called in and participated in the hearing.

### Issues

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order?

### Background and Evidence

This tenancy began on October 15, 2012. The rent is \$1,650.00.00 due in advance on the first day of each month. The tenant paid a partial security deposit of \$175.00 at the start of the tenancy. The tenants did not pay rent for January when it was due. On January 6, 2013 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by personally serving then tenant at the rental property. The tenants have not paid rent for January or for February and they did not file an application to dispute the Notice to End Tenancy.

### Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenants do neither of these two things, the tenants are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

### Conclusion

*Order of Possession* - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on

the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

*Monetary Order and Security Deposit* – In addition to rent for January and February the landlord testified that there is \$418.00 owing for utilities. The tenant acknowledged that the amounts claimed by the landlord are outstanding. The tenant hopes to be able to pay the outstanding amounts by Monday. I find that the landlord has established a total monetary claim of \$3,718.00.00 for the outstanding rent for January and February and \$418.00 for utilities. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$3,768.00 and I grant the landlord an order under section 67 in the said amount. 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: February 05, 2013

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Residential Tenancy Branch

