



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MND, 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 parties participated in the conference call hearing. Both parties gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The tenancy began on or about July 1, 2007. Rent in the amount of \$835.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$486.50. The tenant failed to pay the full rent since April 2012, each month the tenant has only made partial payment of the rent. The landlord has been trying to assist the tenant in offering a payment plan but the tenant has not been able to meet the terms. The landlord issued the tenant a notice to end tenancy for unpaid rent on January 10, 2013. As of today's hearing the amount of unpaid rent is \$2065.00.

The tenant gave the following testimony; acknowledges the unpaid amount and is making every effort to pay back the debt, has had very difficult personal issues the past few months and that has made it difficult for the tenant to catch up on her rent.

The landlord gave the following testimony; is willing to have the order of possession take effect on March 31, 2013 in order to allow the tenant an opportunity to find alternative accommodations.

### Analysis

I accept the landlord's testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply 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. 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 had also filed to recover the costs of some repairs however at the hearing the landlord advised that he would be abandoning that claim; accordingly I dismiss that portion of the landlord's application.

As for the monetary order, I find that the landlord has established a claim for \$2065.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$486.50 deposit and the \$11.03 in interest which has accrued to the date of this judgment in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1617.47. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$1617.47. The landlord may retain the security deposit.

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 19, 2013

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Residential Tenancy Branch

