



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD 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. An agent for the landlord and the tenant participated in the teleconference hearing.

At the outset of the hearing the tenant confirmed that he had received the landlord's application and evidence. The tenant did not submit any documentary evidence, but gave testimony in response to the landlord's evidence. I have reviewed all testimony and other evidence. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

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 \$585 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of November 2012 through March 2013. The landlord's evidence was that on March 16, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting the notice to the rental unit door in the presence of a witness. The tenant did not apply to dispute the notice, and he further failed to pay rent in the month of April 2013.

The tenant acknowledged in the hearing that he had not paid rent for the months claimed. He also acknowledged receiving the notice to end tenancy for unpaid rent, but he believed he received it one or two weeks after March 16, 2013.

Analysis

Based on the landlord's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant has not paid the 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 \$3510 in unpaid rent and lost revenue for the months of November 2012 through April 2013.. 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 \$3560. As the landlord did not present evidence of the amount of the security deposit or the date it was paid, I decline to order that the landlord may retain the security deposit in partial compensation of the claim. I grant the landlord an order under section 67 for the balance due of \$3560. The landlord may retain the security deposit and any applicable interest, calculable at:

<http://www.rto.gov.bc.ca/content/calculator/calculator.aspx>

in partial compensation of the monetary order. 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: April 29, 2013

Residential Tenancy Branch