



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNR, OPR, MNSD, CNR

Introduction:

This was an application by a tenant for an Order to Cancel a Notice to End a Tenancy for non-payment of rent dated April 4, 2013 and a an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord attended the application.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Is the tenant entitled to cancel the Notice?

Background and Evidence:

The landlord testified that he served the Notice and Application for Dispute Resolution by hand to the tenant on April 4 and 18 respectively. The landlord testified that the tenancy began on January 1, 2011 with rent in the amount of \$ 700.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 225.00 at the commencement of the tenancy. The landlord testified that the tenant failed to pay any rent for March, April or May 2013 and he asked for an Order for Possession.

Analysis:

Based on the evidence of the landlord I find that the tenant was personally served with a Notice to End Tenancy for non-payment of rent on April 4, 2013 and that the application for Dispute Resolution was served on April 18, 2013. The tenant has not paid all the

outstanding rent on time and although she applied for arbitration to dispute the Notice she failed to attend the hearing. I have therefore dismissed her application. Pursuant to the landlord's request and in reliance upon the aforementioned facts I granted the landlord an Order for Possession effective two days after service on the tenant. I find that the landlord has established a claim for unpaid rent totalling \$ 2,100.00 for the month(s) of March, April or May 2013. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 2,150.00.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain the deposit and interest of \$ 225.00 and I grant the landlord an order under section 67 for the balance due of **\$ 1,925.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. I have dismissed the tenant's application.

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: May 14, 2013

Residential Tenancy Branch