



# Dispute Resolution Services

Page: 1

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 called in and participated in the hearing. The tenant did not appear although he was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on May 3, 2013.

### 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 August 1, 2012. The rent is \$1,000.00 due in advance on the first day of each month. The tenants paid a security deposit of \$500.00 at the start of the tenancy. On April 16, 2013 the landlord personally served the tenants with a one month Notice to End Tenancy for cause. After the Notice was given one of the tenants moved out, but the named tenant continues to reside in the rental unit. He did not file an application to dispute the one month Notice to End Tenancy and he has not paid rent for the month of May.

### Analysis

Section 47(4) of the *Residential Tenancy Act* provides that upon receipt of a Notice to End Tenancy for cause the tenant may dispute the Notice within 10 days after the date he receives it and if he does not dispute the Notice, section 47(5) provides that the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. The effective date of the Notice to End Tenancy is May 31, 2013.

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 May 31, 2013, 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* - I find that the landlord has established a total monetary claim of \$1,000.00 for the outstanding rent for May. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,050.00.. I order that the landlord retain the deposit and interest of \$500.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$550.00. 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: May 29, 2013

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Residential Tenancy Branch

