



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNR OPR MNSD FF

Introduction:

This was 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 was represented on the application.

Issues:

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

Background and Evidence:

The landlord testified that the posted a 10 day Notice to End the Tenancy dated April 3, 2013 on the door on April 3, 2013 and sent the dispute resolution package by registered mail on May 9, 2013. The landlord testified that the tenancy began on February 1, 2012 with rent in the amount of \$ 1,350.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 675.00 February 1, 2012.

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 6, 2013. I find that the application for Dispute Resolution was deemed to have been served on May 13, 2013 by registered mail. The tenant has not paid all the outstanding rent on time and has not applied for arbitration 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 for possession effective two days after service on the tenant. I find that the landlord has established a claim for unpaid rent totalling \$ 2,170.00 for the month(s) of April and May 2013. I allow the landlord's claim for loss of revenue for one half of June 2013 in the amount of \$ 675.00 with leave to reapply should the landlord suffer a greater loss. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 2,895.00.

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 \$ 675.00 and I grant the landlord an order under section 67 for the balance due of **\$ 2,200.00**. 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. The landlord has leave to reapply for further loss of revenue.

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: June 03, 2013

Residential Tenancy Branch