



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Phagura Properties  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC 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.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that on May 15, 2013 he personally served the tenant with the application for dispute resolution and notice of hearing. I accepted the landlord's evidence regarding service of notice of the hearing, and proceeded with the hearing in the absence of the tenant.

During the hearing the landlord indicated that at this time he did not wish the security deposit to be applied toward any monetary award. I therefore did not offset the monetary award with the security deposit. The landlord continues to hold the security deposit in trust, and it must be dealt with in accordance with the Act.

### 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

The tenancy began approximately four years ago. Rent in the amount of \$1000 is payable in advance on the first day of each month. The tenant failed to pay \$300 of the rent for April 2013 and paid no rent for May 2013. On May 3, 2013 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant paid the landlord \$1300 on June 4, 2013, but he did not pay any June 2013 rent.

### 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 did not pay the outstanding rent within five days of having been served with the notice. I find that the notice to end tenancy is valid. 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 \$1000 in unpaid rent for June 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.

I grant the landlord an order under section 67 for the balance due of \$1050. 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: June 14, 2013

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Residential Tenancy Branch