



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy and for a monetary order for unpaid rent and for the recovery of the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of his monetary claim.

The landlord testified that the notice of hearing was served on the tenant in person in the presence of police on May 25, 2013. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for unpaid rent and for the recovery of the filing fee?

Background and Evidence

The landlord testified that the tenancy started approximately two years ago. The monthly rent is \$525.00 payable on the first of each month. Prior to moving in the tenant paid a security deposit of \$250.00

The landlord testified that the tenant failed to pay rent for May 2013. On May 09, 2013, the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant did not dispute the notice but paid a portion of rent. The tenant further failed to pay rent for June 2013. The tenant continues to occupy the rental unit and at the time of the hearing, owed the landlord \$70.00 for May and \$525.00 for June 2013 for a total amount of \$595.00.

The landlord has applied for an order of possession effective two days after service on the tenant and for a monetary order for unpaid rent in the amount of \$595.00 plus \$50.00 for the filing fee.

Analysis

Based on the undisputed testimony and documentary evidence of the landlord, I find that the tenant received the notice to end tenancy, on May 09, 2013 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to unpaid rent in the amount of \$595.00. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$50.00. I order that the landlord retain the security deposit of \$250.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$395.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of \$395.00.

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 18, 2013

Residential Tenancy Branch