



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, MNR, MNSD, FF*

Introduction

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

The notice of hearing was served on the tenant by the landlord in person, on June 17, 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

Does the landlord have cause to end the tenancy? Is the landlord entitled to a monetary order for rent and the recovery of the filing fee and to keep the security deposit?

Background and Evidence

The tenancy started on December 01, 2011. The monthly rent is \$450.00 due in advance on the first of each month. Prior to moving in the tenant paid a security deposit of \$200.00. The rental unit is located on the lower level of the home. The landlord lives upstairs.

The landlord stated that the tenant failed to pay rent on time right from the start of the tenancy. For the period of April to July 2013, the tenant paid \$50.00 short on rent and therefore at the time of the hearing the tenant owed the landlord \$200.00.

On May 30, 2013, the landlord served the tenant in person, with a notice to end tenancy for cause with an effective date of June 30, 2013. The tenant did not dispute the notice and continues to occupy the rental unit.

The landlord has applied for an order of possession effective July 31, 2013 and for a monetary order in the amount of \$200.00 for unpaid rent plus \$50.00 for the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for cause on May 30, 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 July 31, 2013. 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 \$200.00. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00. I order that the landlord retain the security deposit of \$200.00 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 \$50.00. 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 on or before 1:00 pm on July 31, 2013 and a monetary order for **\$50.00**.

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: July 12, 2013

Residential Tenancy Branch

