



# 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 for Dispute Resolution 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. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, the tenant did not appear.

### Issue(s) to be Decided

- Is the landlord entitled to an order of possession and, if so, upon what terms?
- Is the landlord entitled to a monetary order and, if so, in what amount?
- Is the landlord entitled to retain the security deposit?

### Background and Evidence

This month-to-month tenancy commenced August 1, 2009. After receipt of a housing subsidy the tenant's rent is \$398.00, payable on the first day of the month. The tenant paid a security deposit of \$494.50.

The landlord testified that the tenant was served with a 1 Month Notice to End Tenancy for Cause dated June 19, 2013, by registered mail actually received on June 24, 2013. The notice that advises the tenant has ten days to dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. The landlord testified that the tenant did not serve them with an application disputing the notice.

The landlord testified that after receipt of a payment in the amount of \$1500.00 on July 30, 2013, the arrears owed by the tenant for the period up to and including the August rent are \$1350.00.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenant did not apply to dispute the Notice and is therefore conclusively presumed under section 47(4) of the *Residential Tenancy Act* 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 of possession effective two days after service on the Tenant.

I find that the landlord has established a total monetary claim of \$1400.00 comprised of arrears of rent in the amount of \$1350.00 and the \$50.00 fee paid by the landlord for

this application. I order that the Landlord retain the deposit of \$494.50 in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of \$905.20.

Conclusion

- a. An order of possession effective two days after service on the Tenant has been granted. If necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.
- b. A monetary order in favour of the landlord in the amount of \$905.20 has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) 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: August 19, 2013

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Residential Tenancy Branch

