



# 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 concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. The landlord attended and gave affirmed testimony through a family member assisting him at the hearing.

The landlord testified that the application for dispute resolution and notice of hearing (the "hearing package") were served by way of registered mail. Despite this, the tenant did not appear.

### Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for this tenancy which began approximately 13 months ago. Monthly rent of \$500.00 is due and payable in advance on the first day of each month, and a security deposit of \$250.00 was collected.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated June 17, 2013. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is July 31, 2013, and there are several reasons identified on the notice in support of its issuance. While the tenant did not file an application to dispute the notice, she continues to reside in the unit.

The landlord claims that no rent has been paid for at least the four (4) months of May, June, July and August 2013. However, there is no evidence before me that a 10 day

notice to end tenancy for unpaid rent has been issued, and there is no other evidence to support the application for a monetary order as compensation for unpaid rent.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 1 month notice to end tenancy for cause dated June 17, 2013. As the tenant did not dispute the notice within 10 days of having received it, she is conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As the landlord has succeeded in obtaining an order of possession, I find that he has established entitlement to recovery of the \$50.00 filing fee. I order that the landlord retain this amount from the tenant's security deposit.

In the absence of sufficient evidence to support the landlord's application for additional compensation, that aspect of the application is hereby dismissed with leave to reapply.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. 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 order that the landlord retain **\$50.00** from the tenant's security deposit in order to recover the filing fee for this application. All other monetary aspects of the landlord's application are hereby dismissed with leave to reapply.

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 06, 2013

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Residential Tenancy Branch

