



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNR, OPR, MNDC, FF

Introduction:

This was an application by the landlord for an Order for Possession pursuant to a Notice to End the tenancy dated , a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord attended the application.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlord testified that the one year fixed term tenancy began on July 1, 2013 with rent in the amount of \$ 760.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 380.00 on June 30, 2013. The landlord testified that he served the Notice to End the tenancy on September 4, 2013 by posting it to the tenant's door and the dispute resolution package by sending it by registered mail on September 18, 2013. The landlord claimed that the tenants did not pay any rent for September and have not moved out. The landlord is asking for a monetary Order and an Order for Possession.

Analysis:

Pursuant to section 71(2) of the Act and the evidence of the landlords I find that the dispute package has sufficiently been served by September 24, 2013. Based on the evidence of the landlord I find that the tenants were personally served with a Notice to End Tenancy for non-payment of rent on September 7, 2013 by posting it to the door on September 4, 2013. The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are therefore conclusively presumed 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 for possession effective two days after service on the tenant. I find that the landlord has established a claim for unpaid rent totalling \$ 760.00 for the month of September 2013. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 810.00.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain the deposit and interest of \$ 380.00 and I grant the landlord an order under section 67 for the balance due of **\$ 430.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible.

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: October 01, 2013

Residential Tenancy Branch

