



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNR, MNSD, MNDC, FF

Introduction:

This was an application by the landlord for an Order for Possession, 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:

At the outset the landlord testified that the tenant planned to move out by October 15 and asked that he landlord retain her security deposit for the rent for one half of October. Therefore the landlord was only asking for an Order for Possession effective on October 15, 2013. The landlord testified that the tenancy began on May 1, 2013 with rent in the amount of \$ 1,250.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 650.00 on April 5, 2013. The landlord testified that she 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 17, 2013 and after checking Canada Post's web site testified that the tenant received it on September 19, 2013

Analysis:

Pursuant to section 71(2) of the Act and the evidence of the landlord I find that the dispute package has been served by September 19, 2013. Based on the evidence of the landlord I find that the tenant was personally served with a Notice to End Tenancy for non-payment of rent on September 7, 2013. The tenant paid all the outstanding rent late, has not paid the rent for October and has not applied for arbitration to dispute the Notice and is 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 October 15, 2013 after service on the tenant. The landlord is entitled to recover the \$50.00 filing fee for this

application. The landlord is entitled to an Order to retain the security deposit as payment for the outstanding rent for the first half of October.

Conclusion:

I have granted the landlord an Order for Possession effective October 15, 2013. . 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 \$ 625.00 and I grant the landlord an order under section 67 for the filing fee for the filing fee **\$ 50.00**. That 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 07, 2013

Residential Tenancy Branch

