



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC, MNDC & FF

### Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the Notice to End Tenancy was personally served on the Tenant on August 19, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenant on September 9, 2013. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on July 1, 2013 and continue for a fixed term ending on December 31, 2013. The rent is \$900 per month payable on the first day of each month. The tenant(s) paid a security deposit of \$450 on June 9, 2013. However, the tenant has failed to pay the pet damage deposit.

## Analysis

### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a one month Notice to End Tenancy on the Tenant on August 19, 2013 based on the grounds that the tenant has failed to pay a pet damage deposit within 30 days of being required to do so by Schedule "E" of the tenancy agreement. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. The tenant has a pet and has failed to pay the pet damage deposit. Accordingly, I granted the landlord an Order for Possession. The rent for October has been paid and was accepted by the landlord for "use and occupation only." Thus I set the effective date of the Order for Possession for October 31, 2013.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

### Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay an NSF charge in the sum of \$25.. I granted the landlord a monetary order in the sum of \$25 plus the sum of \$50 in respect of the filing fee for a total of \$75.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court 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: October 18, 2013

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Residential Tenancy Branch

