



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: OPR, MNR, MNSD, 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:

The landlord testified that the tenancy began on January 1, 2009 with rent in the amount of \$ 1,000.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 500.00 on January 1, 2009. The landlord testified that she served the Notice to End the tenancy on September 19, 2013 by handing it to the tenant on September 20, 2013 and the application for dispute resolution sending it by registered mail on October 18, 2013.

Analysis:

Pursuant to section 71(2) of the Act, the evidence of the landlord and having regard to the confirmation on Canada Post's website I find that the dispute package has been served October 22, 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 20, 2013.

The tenant has not paid all the outstanding rent on time 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 two days after service on the tenant.

I find that the landlord has established a claim for unpaid rent totalling \$ 3,540.00 for the month(s) of August through November 2013. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 3,590.00. I give the landlord permission to retain the security deposit inclusive of interest amounting to \$ 500.00 for

a total claim of \$ 3,090.00 however I reduce this to \$ 2,540.00 as that is the total amount claimed.

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 \$ 500.00 and I grant the landlord an order under section 67 for the balance due of **\$ 2,540.00**. 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: November 12, 2013

Residential Tenancy Branch

