



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Colliers Macaulay Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Codes: OPR, MNR, MNSD

### 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's agent 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 April 1, 2013 with rent in the amount of \$ 650.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 325.00 on June 4, 2013. The landlords testified that they served the Notice to End the tenancy on October 18, 2013 by handing it to the tenants and the dispute resolution package by sending it by registered mail. The landlords testified that with reference to Canada Post's web site she determined that registered mail packages were delivered on November 5 and 12, 2013. The landlord testified that arrears amounting to \$ 1,480.00 were owed for the period of May 1 through November 1, 2013.

### Analysis:

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 October 18, 2013 and that the application for Dispute Resolution was served on November 5, and 12, 2013 by registered mail. 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 tenants. I find that the landlord has established a claim for unpaid rent totalling \$ 1,480.00 for the month(s) of May 1 through November 1, 2013. totalling \$ 150.00. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 1,530.00.

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 \$ 325.00 and I grant the landlord an order under section 67 for the balance due of **\$ 1,305.00**. 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 tenants 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 18, 2013

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Residential Tenancy Branch

