



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Chilliwack Kiwanis Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The facts are not in dispute. The tenancy began in 2011 at which time the tenant paid a \$279.00 security deposit. The tenant is contractually obligated to pay \$267.00 per month in advance on the first day of each month. The tenant failed to pay rent in the month of September 2013 and on September 19, the landlord served the tenant with a notice to end tenancy by placing it in her mailbox. The tenant acknowledged having received the notice. The tenant further failed to pay rent in the month of October.

Analysis

I find that the tenant did not pay rent for the month of September and on September 22, 3 days after it was placed in her mailbox, was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution 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 of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that the landlord is entitled to recover the \$267.00 in unpaid rent for each the months of September and October as well as the \$50.00 filing fee paid to bring this application for a total entitlement of \$584.00. At the hearing, the landlord asked that the security deposit be applied to the award. I order that the landlord retain the \$279.00 security deposit and I grant the landlord an order under section 67 for the balance due of \$305.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$305.00. The landlord will retain the security deposit.

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 28, 2013

Residential Tenancy Branch

