



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Metro Vancouver Housing Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord's representative and the named tenant called in and participated in the hearing..

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began in 2005. The current rent is \$895.00 due in advance on the first day of each month. The tenant paid a security deposit of \$360.00 on January 26, 2005. The tenants did not pay the full rent for August when it was due and did not pay rent for September. On September 9, 2013 the landlord served the tenants with a Notice to End Tenancy for non-payment of rent by posting it on the door of the rental unit. The tenants have not paid rent since the Notice was given and rent for August, September October and November has not been paid. The tenants did not file an application to dispute the Notice to End Tenancy.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenants must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenants do neither of these two things, they are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. The landlord's representative

has agreed that if the full rent for November is included in a monetary award granted to the landlord, the landlord requests that an order for possession be granted that will be effective on November 30., 2013.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective November 30, 2013, after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$3,113.00, being outstanding rent for August in the amount of \$428.00 as well as the full rent for September, October and November. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$3,163.00. I order that the landlord retain the deposit and interest of \$372.74 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,790.26. This order may be filed in the Small Claims 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: November 07, 2013

Residential Tenancy Branch

