



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Prang Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail sent on October 9 and signed for by the tenant on October 10, the tenant did not participate 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?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began on or about September 1, 1998. Rent in the amount of \$725.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$300.00. The tenant failed to pay rent in the month of October 2013 and on October 2, the landlord personally served the tenant with a notice to end tenancy. The landlord testified that the tenant made a partial rent payment of \$180.00 on October 10.

Analysis

I accept the landlord's undisputed testimony and I find that the tenant did not pay rent for the month of October and on October 2 was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the full amount of 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 \$545.00 in unpaid rent still owing for the month of October as well as the \$50.00 filing fee paid to bring this application for a total entitlement of \$595.00. I order that the landlord retain the \$300.00 security deposit and the \$35.81 in interest which has accrued to the date of this judgment in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$259.19. 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 \$259.19. 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 18, 2013

Residential Tenancy Branch

