



# 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 May 1, 2013 with rent in the amount of \$ 723.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 476.00 on April 9, 2010. The landlord testified that he served the Notice to End the tenancy on October 10, 2013 by posting it to the tenants' door on October 7, 2013 and the dispute resolution package by sending it by registered on October 21, 2013. The landlord testified that he verified on Canada Post's web site that the tenants had actually received the package on October 23, 2013.

The landlord testified that he had obtained a previous Order for Possession and Monetary Order on April 24, 2013 (file number 248570) permitting him to retain the security deposit of \$ 476.00 and an Order for rent outstanding amounting to \$ 1,660.00 representing arrears to April 30, 2013. He testified that the tenancy had been confirmed as he permitted the tenants to continue residing in the unit so long as they paid the rent and the outstanding arrears. To date the tenants had not paid most of the arrears although they paid most of the rent. They had only paid less than one half of December's rent at the date of the hearing. Accordingly the landlord requested an Order for Possession and a Monetary Order for the difference including one half of the loss of rent for December amounting to \$ 8.50.

### Analysis:

I find that the dispute package has been served on October 23, 2013. 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 10, 2013. The tenants have not paid all the outstanding rent on time and have 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 tenants. I find that the landlord has established a claim for unpaid rent totalling \$ 8.50 for one half of December 2013. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 58.50.

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 granted the landlord an order under section 67 for the balance due of **\$ 58.50**. 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: December 03, 2013

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Residential Tenancy Branch

