



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CRYSTAL RIVER COURT 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 pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in satisfaction of the monetary claim.

The notice of hearing was served on the tenant on November 15, 2013 by registered mail. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent, the filing fee and to retain the security deposit?

Background and Evidence

The tenancy started on May 01, 2013. The monthly rent is \$925.00 due on the first of each month. Prior to moving in, the tenant paid a security deposit of \$450.00 and a pet deposit of \$100.00.

The landlord testified that the tenant failed to pay rent and utilities for November 2013 and on November 03, 2013; the landlord served the tenant with a ten day notice to end tenancy. The tenant paid the utilities but did not dispute the notice and did not pay rent. At the time of the hearing the tenant owed the landlord \$459.64.00 in unpaid rent for November 2013.

The landlord is applying for an order of possession effective two days after service on the tenant and a monetary order in the amount of unpaid rent plus the filing fee.

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent and utilities, on November 03, 2013 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to \$459.64 for unpaid rent. Since the landlord has proven his case, he is also entitled to the recovery of the filing fee of \$50.00. I order that the landlord retain the amount of \$509.64 from the security and pet deposits of \$550.00 in full satisfaction of the claim.

Conclusion

I grant the landlord an order of possession effective **two days after service** on the tenant. The landlord may retain **\$509.64** from the security and pet deposits.

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 04, 2013

Residential Tenancy Branch

