



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPC, MNR, MNSD, MNDC, FF

### **Introduction**

This hearing dealt with an application by the Landlord pursuant to the *Residential Tenancy Act* for an order of possession pursuant to a notice to end tenancy for cause, and a monetary order for unpaid rent and for the recovery of the filing fee. The landlord also applied to retain the security deposit.

The notice of hearing was served on the tenant in person at the rental unit by the landlord, on November 20, 2013. 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 the recovery of unpaid rent and the filing fee?

### **Background and Evidence**

The tenancy started on October 01, 2013. The monthly rent is \$700.00 payable on the first of each month. Prior to moving in, the tenant paid a security deposit of \$350.00.

The landlord testified that on October 17, 2013, he served the tenant, in person, with a notice to end tenancy for cause. The reasons for the notice were that the tenant has seriously jeopardized the health and safety of the landlord and has put the landlord's property at risk. The tenant did not dispute the notice. The landlord has applied for an order of possession effective two days after service on the tenant.

The landlord has also applied for unpaid rent in the amount of \$2,100.00 and \$50.00 for the filing fee.

### **Analysis**

Based on the undisputed testimony of the landlord, I find that the tenant received the notice to end tenancy, on October 17, 2013 and did make application, pursuant to Section 47 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.

In the absence of testimony to the contrary, I accept the landlord's claim of \$2,100.00 in unpaid rent. The landlord has proven his claim and therefore is also entitled to the recovery of the filing fee of \$50.00.

I order that the landlord retain the security deposit of \$350.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$1,800.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of \$1,800.00.

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: January 15, 2014

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Residential Tenancy Branch

