



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Codes: MNR, MNSD, OPR, 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. Both the landlord and tenants attended the application hearing by way of teleconference.

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 \$ 850.00 plus \$ 20.00 parking due in advance on the first day of each month. The tenants paid a security deposit of \$ 425.00 on May 1, 2013. The landlord testified that he served the Notice to End the tenancy on January 3, 2014 by posting it to the tenants' door and the dispute resolution package by handing it to the tenants on January 17, 2014. The landlord testified that the arrears from July 2013 through January 2014 were \$ 3,290.00. The landlord credited the tenants \$ 1,625.00 for some repairs made by the male tenant, leaving a net of arrears for that period of \$ 1,665.00. The landlord also claimed for unpaid rent for February and March.

Analysis:

Based on the evidence of the landlord I find that the tenants was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on January 6, 2014 by posting it to the door on January 3, 2014. I find that the application for Dispute Resolution was served on January 17, 2014. The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are 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 on March 15, 2014 after service on the tenants. I find that the landlord has established a claim for unpaid rent totalling \$ 2,515.00, loss of revenue for one half of March amounting to \$ 425.00 and the filing fee of \$ 50.00 fee for a total of \$ 2,990.00.

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 order that the landlord retain the deposit and interest of \$ 425.00 and I grant the landlord an order under section 67 for the balance due of **\$ 2,565.00**. 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 tenant 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: March 04, 2014

Residential Tenancy Branch

