



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Century 21 Agencies Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, OPR, FF, ERP, RP, AAT, AS, LRE, OPT, RR, MNDC, CNR

Introduction

This hearing dealt with cross applications. The landlord is seeking an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant has filed an application seeking an order to cancel a notice to end tenancy for unpaid rent or utilities, a monetary order for money owed or compensation for damage or loss suffered under the Act, regulation or tenancy agreement, an order to have the landlord make emergency repairs for health or safety reasons, an order to have the landlord make repairs to the unit, site or property, an order to suspend or set conditions on the landlords right to enter the rental unit, an order to allow the tenant, access to or from the unit, or site for the tenant or the tenants guests, an order to allow the tenant to assign or sublet because the landlord's permission has been unreasonably withheld, an order to allow the tenant to reduce the rent for repairs, services, or facilities agreed upon but not provided and an order to recover the filing fee. The landlord participated in the conference call hearing but the tenant(s) did not. The tenant initiated the dispute resolution process by first serving the landlord of this date and time. The hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is either party entitled to any of the above under the Act, regulation or tenancy agreement?

Background and Evidence

The landlord gave the following undisputed testimony:

The tenancy began on or about August 15, 2013. Rent in the amount of \$1700.00 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 \$850.00. The tenant failed to pay rent in the month(s) of March and on March 4, 2014 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of April. The landlord advised that as of today's hearing the amount of unpaid rent, late fees and bank fees as per their tenancy agreement is \$3466.65

Analysis

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay 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 has established a claim for \$3466.65. I order that the landlord retain the \$850.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2616.65. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenant has chosen not to submit any documentation or participate in this hearing. Based on the lack of evidence before me I dismiss the tenants' application in its entirety without leave to reapply.

Conclusion

The landlord is granted an order of possession and a monetary order for \$2616.65. The landlord may retain the security deposit.

The tenants' application is dismissed in its entirety without leave to reapply.

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: April 28, 2014

Residential Tenancy Branch

