



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding ACTION PROPERTY MANAGEMENT GROUP LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to retain the security deposit and pet damage deposit - Section 38
4. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been served with the application for dispute resolution and notice of hearing by *registered mail* in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord provided the tracking number for the registered mail service. The landlord was given opportunity to be heard, to present evidence and make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?
Is the landlord entitled to an Order of Possession?
Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on November 15, 2013. Rent in the amount of \$1400.00 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit and a pet damage deposit from the tenant in the sum amount of \$1400.00 which the landlord retains in trust. The tenant failed to pay all rent owed in the months of January and February 2014 and on February 03, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of accumulated rent to date totaling \$2100.00. The tenant further failed to pay all rent owed in March and April 2014, however has satisfied a portion of all rent owed in the sum of \$3710.00. The landlord seeks a monetary order for the balance of outstanding rent and an order of Possession.

Residential Tenancy Branch

#RTB-136 (2011/07)



Analysis

Based on the testimony and document evidence before me I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid all the outstanding rent and has not applied 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. I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. Any applicable deposits held by the landlord will be off-set. ***Calculation for Monetary Order is as follows:***

| | |
|--|-------------------|
| Rental arrears to February 01, 2014 | \$2100.00 |
| Rent due for March and April 2014 | 2800.00 |
| Filing fee | 50.00 |
| <i>Less rent payments to date</i> | <i>-3710.00</i> |
| <i>Less all deposits held in trust</i> | <i>-1400.00</i> |
| Balance | (\$160.00) |

Conclusion

I grant an Order of Possession to the landlord **effective 2 days from the day it is served on the tenant**. The tenant must be served with this Order. 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.

I Order that the landlord may retain **\$1240.00** of the tenant's deposits in full satisfaction of the claim and **I Order** the landlord to administer the balance of the tenant's deposits in the amount of \$160.00 at the end of the tenancy in accordance with the Act.

This Decision is final and binding on both parties.

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 09, 2014

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