



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 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 a portion of the security deposit in satisfaction of the claim.

The landlord served the notice of hearing on the tenant on February 19, 2014, by registered mail and 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 and the filing fee and to retain a portion of the security deposit?

Background and Evidence

The tenancy started on June 19, 2013. The monthly rent is \$900.00 due in advance on the first of each month. The tenant paid a security deposit of \$450.00.

The landlord testified that the tenant failed to pay rent on January 01, 2014. On January 03, 2014, the landlord served the tenant with a notice to end tenancy for unpaid rent. The tenant did not dispute the notice. On January 24, 2014 the tenant made a partial payment. The tenant continued to make partial payments and as of the date of the hearing owed the landlord \$253.93 in unpaid rent.

The landlord has applied for a monetary order for this amount plus \$50.00 for the filing fee. The landlord has also applied for an order of possession effective on April 30, 2014.

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 on January 03, 2014 and did not pay outstanding rent 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 on or before 1:00 pm on April 30, 2014. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to \$253.93 for unpaid rent. Since the landlord has proven her case, she is also entitled to the recovery of the filing fee of \$50.00. Overall the landlord has established a claim of \$303.93. I authorize the landlord to retain this amount from the security deposit.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 pm on April 30, 2014**. The landlord may retain **\$303.93** from the security deposit.

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

Residential Tenancy Branch

