



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNDC, MNR, OPR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, and a monetary order. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about November 1, 2011. Rent in the amount of \$850.00 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 \$450.00 and a pet deposit of \$200.00. The tenant failed to pay rent in the month(s) of April and on April 2, 2014 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of May and June. The landlord advised that as of today's hearing the amount of unpaid rent and late fees as per the tenancy agreement is \$440.00.

The tenant gave the following testimony:

The tenant stated that due to a mix up with his employer his cheques were a month and a half behind. The tenant did not dispute any of the landlords claim.

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 \$440.00. The landlord is also entitled to recovery of the \$50.00 filing fee. . Although the landlord's application does not seek to retain the deposit, using the offsetting provisions of section 72 of the *Act*, I allow the landlord to retain \$490.00 from the tenant's security and pet deposit in full satisfaction of the claim.

Conclusion

The landlord is granted an order of possession and may retain \$490.00 from the security and pet deposits.

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: June 10, 2014

Residential Tenancy Branch

