



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF, CNR, MT

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant also filed an application seeking an order to have more time to file an application to dispute the notice, an order to have the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities set aside and an order to have the security deposit returned. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by personal service on May 13, 2014. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. In addition, the tenant had filed her application first and the landlords date was set in conjunction with the tenants' application. 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 April 1, 2014. Rent in the amount of \$650.00 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 \$325.00. The tenant failed to pay rent in the month(s) of May and on May 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 June.

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 within the legislated timelines to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. In addition, the tenant chose to participate or submit any evidence for this hearing. The landlord advised that the tenant moved out on June 25, 2014 and no longer requires an order of possession; accordingly I dismiss that portion of the landlords' application.

As for the monetary order, I find that the landlord has established a claim for \$1300.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$325.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1025.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted a monetary order for \$325.00. 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: June 30, 2014

Residential Tenancy Branch

