



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Gateway Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPC MNSD FF

### Introduction

This hearing convened pursuant to the landlord's application for an order of possession and an order to retain the security deposit. The landlord participated in the teleconference hearing but the tenant did not.

The landlord gave testimony to establish that the tenant was personally served with the application for dispute resolution and notice of hearing on May 23, 2014. I accepted the landlord's evidence regarding service of tenant notice of the hearing, and I proceeded with the hearing in the absence of the tenant.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to retain the security deposit?

### Background and Evidence

The landlord gave testimony that the tenancy began on August 30, 2011, with monthly rent of \$450 due on the first of each month. The landlord stated that the rent was increased on February 1, 2014 to \$459 per month. At the outset of the tenancy the tenant paid the landlord a security deposit of \$225.

On February 18, 2014 the landlord personally served the tenant with a notice to end tenancy for cause. The effective date of the notice was March 31, 2014. The tenant did not apply to dispute the notice. The tenant did not pay any rent after having been served with the notice.

### Analysis

The tenant was served with the notice to end tenancy and did not apply to dispute the notice. I find that the tenant is conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the order to retain the security deposit, I accept the landlord's evidence that the tenant did not pay rent for March through July 2014, and the landlord is entitled to retain the security deposit in partial compensation of the unpaid rent and lost revenue.

As their application was successful, the landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

### Conclusion

I grant the landlord an order of possession effective two days from service. 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.

I order that the landlord retain the security deposit of \$225 in partial satisfaction of the outstanding rent and lost revenue.

I grant the landlord an order for recovery of the filing fee of \$50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: July 2, 2014

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Residential Tenancy Branch

