



# 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**

Codes: OPR, MNR., MNSD, FF

### Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord's agents WS and LD attended the application.

### Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

### Background and Evidence:

The landlord's agent WS and LD testified that they posted a 10 Day Notice to End the Tenancy for Non-Payment of rent dated May 28, 2014 to the tenant's door May 2, 2014. The WS testified that she mailed the tenant a copy of the Application for Dispute Resolution on June 6, 2014 by registered mail. The tenancy began on April 13, 2011 with rent in the amount of \$ 648.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 315.00 on April 13, 2011. WS testified that the tenant failed to pay rent for March through July 2014 for a total of arrears amounting to \$ 3,428.00. The landlord is also claiming \$ 125.00 for outstanding water utilities for that same period.

### Analysis:

Based on the evidence of the landlord I find that the tenant were deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on May 5, 2014. Based on the evidence of WS and with reference to Canada Post's web site, I find that the application for Dispute Resolution was served on June 10, 2014. The tenant has not paid all the outstanding rent on time and has not applied for arbitration to dispute the Notice to End the Tenancy for Non-Payment of rent 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 for possession effective two days after service on the tenants.

I find that the landlord has established a total claim of \$ 3,553.00 for unpaid rent and utilities through July 2014, however as the landlord had only specified \$ 3,503.00 on the amended Application for Dispute Resolution I limit the award inclusive of the filing fee to that amount.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain the deposit and interest of \$ 315.00 and I grant the landlord an order under section 67 for the balance due of **\$ 3,188.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. .

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 22, 2014

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Residential Tenancy Branch

