



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant by mailing, by registered mail to where the tenant resides on June 5, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on June 20, 2014. A search of the Canada Post tracking service indicates the tenant accepted service on the documents on June 25, 2014. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

#### Background and Evidence

The landlord was uncertain as to when the tenancy started. He thought it start approximately 20 years ago although it may have started in 1987 which is more than 27 years ago. The landlord was uncertain as to the amount of the security deposit and when it was paid. The present rent is \$1000 per month payable in advance on the first day of each month.

The tenant failed to pay the rent from the period January 1, 2014 to the date of the filing of the application. I determined the tenant owes the sum of \$6000 in outstanding rent to June 30, 2014. The tenant(s) continues to reside in the rental unit.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of January 2014 to June 2014 and the sum of \$6000 is outstanding. The landlord has abandoned the claim above \$5000. I granted the landlord a monetary order in the sum of \$5000 plus the sum of \$50 in respect of the filing fee for a total of \$5050.

Security Deposit

The landlord was uncertain as to when the tenancy started, when the security deposit was paid and how much was paid. In the absence of evidence I determined it was inappropriate to make an order dealing with the security deposit

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: August 18, 2014

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Residential Tenancy Branch

