



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent and to recover the RTB filing fee.

The landlord attended the teleconference hearing and gave evidence, however the tenant did not attend. The landlord gave evidence that the tenant was served by registered mail on July 4, 2014 with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution. I find the tenant was properly served.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The tenancy agreement indicates the tenancy started December 1, 2013 and the tenant is obligated to pay rent of \$1,000.00 monthly in advance on the first day of the month. The tenant also paid a security deposit of \$500.00 and a pet deposit of \$200.00.

The landlord gave evidence that the tenant was personally served with a Notice to End Tenancy for Unpaid Rent (the "Notice") on May 15, 2014. The Notice states the tenant failed to pay rent of \$700.00 that was due May 1, 2014.

The landlord gave evidence that the tenant has made no further payments since the Notice was served, and she continues to occupy the rental unit.

Analysis

I find the tenant received the Notice on May 15, 2014. I accept the landlord's evidence that the tenant has made no further payments. According to Section 46(5), if a tenant does not pay the rent or make application for dispute resolution within five days of receiving the Notice, 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. For these reasons, I find that the landlord is entitled to an order of possession. I grant the landlord an order of possession which must be served on the tenant. Should the tenant fail to comply with the order, it may be filed for enforcement in the Supreme Court.

I accept the landlord's evidence that the tenant continues to occupy the rental unit. For that reason, I find the landlord is entitled to recover unpaid rent of \$700.00 for the month of May 2014 and \$1,000.00 for each of June, July, and August 2014, totalling \$3,700.00. The landlord is also entitled to recover their RTB filing fee of \$50.00.

The total amount due the landlord is \$3,750.00. I order that the landlord retain the security deposit of \$500.00 and the pet deposit of \$200.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$3,050.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession and a monetary order of \$3,050.00.

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 29, 2014

Residential Tenancy Branch

