



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR; MNR; MNSD; FF

Introduction

This matter was convened to hear the Landlord's application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit in partial satisfaction of her monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlord gave affirmed testimony at the Hearing. The Tenant did not sign into the Hearing, which remained open for 20 minutes.

The Landlord testified that she hand delivered the Notice of Hearing documents and copies of her documentary evidence to the Tenant on August 1, 2014, at 7:00 p.m.

Based on the Landlord's affirmed testimony, I am satisfied that the Tenant was duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

Issues to be Decided

- Is the Landlord entitled to an Order of Possession?
- Is the Landlord entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlord gave the following testimony:

Monthly rent is \$850.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$270.00 at the beginning of the tenancy.

The Landlord testified that the Tenant did not pay rent for July, 2014. She served the Tenant with a Notice to End Tenancy for Unpaid Rent (the "Notice") on July 21, 2014,

by posting the Notice to the Tenant's door. The Landlord stated that the Tenant did not pay rent when it was due for August, September or October, 2014.

The Landlord testified that the Tenant made partial payments towards outstanding rent, as follows:

July 31, 2014	\$425.00
August 1, 2014	\$200.00
August 21, 2014	<u>\$425.00</u>
Total payments for use and occupancy	\$1,050.00

Analysis

I accept that the Landlord served the Tenant with the Notice by posting it on the Tenant's door on July 21, 2014. Pursuant to the provisions of Section 90 of the Act, service in this manner is deemed to be effected three days after posting the documents, July 24, 2014. The Tenant did not pay all of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on August 3, 2014. I find that the Landlord is entitled to an Order of Possession.

Based on the undisputed, affirmed testimony of the Landlord, I find that the Landlord is entitled to a monetary order for unpaid rent and loss of revenue, as follows:

Unpaid rent for July, 2014	\$850.00
Unpaid rent for August, 2014	\$850.00
Loss of revenue for September, 2014	\$850.00
Loss of revenue for October, 2014	<u>\$850.00</u>
subtotal	\$3,400.00
Less partial payments made	<u><\$1,050.00></u>
TOTAL	\$2,350.00

Pursuant to Section 72(2)(b) of the Act, the Landlord may apply the security deposit towards partial satisfaction of her monetary award.

The Landlord has been successful in her application and I find that she is entitled to recover the cost of the **\$50.00** filing fee from the Tenant.

I hereby provide the Landlord with a Monetary Order, calculated as follows:

Monetary award	\$2,350.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$2,400.00
Less security deposit	<u>- \$270.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$2,130.00

Conclusion

I hereby grant the Landlord an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlord a Monetary Order in the amount of **\$2,130.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) 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: October 02, 2014

Residential Tenancy Branch

