



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bon Terra Holdings Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, MNSD, OPR, 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 attended the hearing.

Issues:

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

Background and Evidence:

The landlord's agent DF testified that the tenancy began on June 1, 2013 with rent in the amount of \$ 650.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 325.00 on June 1, 2013. The landlord's agent testified that he served the Notice to End the tenancy on September 6, 2014 by posting it to the tenants' door and the dispute resolution package also posting it to the tenants' door on September 30, 2014. DF testified that on October 5 or 6, 2014 the tenants acknowledged receipt of the application for dispute resolution while discussing payment options with him. DF testified that the arrears from September through October are \$ 1,350.00.

Analysis:

Based on the evidence of the landlord I find that the tenants was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on September 9, 2014 by posting it to the door. Although section 89 of the Act does not permit service of an application for dispute resolution for a monetary order by posting it to the door, because the landlord testified that the tenants acknowledged service I find that pursuant o section 71(2) (c) of the Act that the tenants have been sufficiently served by October 6, 2014 for the purposes of the Act.

71 (1) The director may order that a notice, order, process or other document may be served by substituted service in accordance with the order.

(2) In addition to the authority under subsection (1), the director may make any of the following orders:

(b) that a document has been sufficiently served for the purposes of this Act on a date the director specifies;

(c) that a document not served in accordance with section 88 or 89 is sufficiently given or served for purposes of this Act.

The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are 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 claim for unpaid rent totalling \$ 1,350.00 and the filing fee of \$ 50.00 for a total claim of \$ 1,400.00

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 \$ 325.00 and I grant the landlord an order under section 67 for the balance due of **\$ 1,075.00**. 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 tenants 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: November 12, 2014

Residential Tenancy Branch

