



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: MNR, MNDC, 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 pursuant to a Notice to End the Tenancy date December 9, 2014. Only the landlord and his agent attended the application.

### Issues:

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

### Background and Evidence:

MS testified that the month to month tenancy began on August 1, 2011 with rent in the amount of \$ 1,300.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 660.00 on August 15, 2010 pursuant to a previous fixed term tenancy. The landlord testified that he served the Notice to End the tenancy on December 9, 2014 by posting it to the tenant's door and the dispute resolution package by sending it to the tenant on December 23, 2014 by registered mail. MS testified that the tenant had not paid any rent from December 2014 through January 2015 amounting to \$ 2,600.00.

### Analysis:

Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on December 12, 2014 by posting it to the door. I find that the application for Dispute Resolution was deemed to have been served on December 28, 2014 by registered mail. The tenant has not paid all the outstanding rent on time and has not applied for arbitration to dispute the Notice 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 tenant. I find that the landlord has established a claim for unpaid rent totalling \$ 2,600.00 and the filing fee of \$ 50.00 totalling \$ 2,650.00.

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 \$ 660.00 and I grant the landlord an order under section 67 for the balance due of **\$ 1,990.00**. 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: January 19, 2015

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Residential Tenancy Branch

