



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Capital J Management Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Codes: MNR, 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 application.

### Issues:

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

### Background and Evidence:

The landlord's agent JS testified that the tenancy began on April 15, 2013 with rent in the amount of \$ 850.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 400.00 on April 6, 2010. The landlord's agent testified that his manager served the Notice to End the tenancy on December 15, 2014 by posting it to the tenant's door and the dispute resolution package sending it to the tenant on January 26, 2014 by registered through February were \$ 2,565.00.

### 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 21, 2014. Based on the evidence of the landlord and with reference to Canada Post's web site, I find that the application for Dispute Resolution was served on February 6, 2016 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 \$ 2,565.00 and the filing fee of \$ 50.00 however as the landlord has only specified \$ 1,710.00 in the Application for Dispute Resolution I allow only that amount inclusive of the filing fee.

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 \$ 400.00 and I grant the landlord an order under section 67 for the balance due of **\$ 1,310.00**. 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. The landlord has leave to reapply for any loss of revenue or other loss of rent.

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: February 16, 2015

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Residential Tenancy Branch

