



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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. Both the landlord and tenants attended the teleconference application.

Issues:

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

Background and Evidence:

The landlord NS testified that the tenancy began on March 3, 2014 with rent in the amount of \$ 2,000.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 1,000.00 on March 3, 2014. NS testified that he served the Notice to End the tenancy on December 30, 2014 by registered mail and the dispute resolution package by registered mail on January 29, 2015. NS testified that the arrears from December 2014 through January 2015 were \$ 4,000.00 and that the tenants have not paid any for yet.

The tenants admitted the arrears but requested that they be permitted an extension until the weekend of February 7, 2015 to move out promising that they would make a payment by then.

Analysis:

Based on the evidence of the landlord and with reference to Canada Post's web site I find that the tenants were personally served with a Notice to End Tenancy for non-payment of rent dated December 30, 2014 on January 5, 2015. I find that the application for Dispute Resolution was served on January 29, 2015 by registered mail.

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 although it is hoped the parties make arrangements to extend that date if the tenants make any payments.

I find that the landlord has established a claim for unpaid rent totalling \$ 4,000.00 and the filing fee of \$ 50.00 however as the landlord has only specified \$ 4,000.00 in the Application for Dispute Resolution I allow only that amount inclusive of the filing fee. The landlord was cautioned about his obligation to mitigate by attempting to re-rent the unit as soon as possible.

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 \$ 1,000.00 and I grant the landlord an order under section 67 for the balance due of **\$ 3,000.00**. 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: February 02, 2015

Residential Tenancy Branch

