



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: MNR, MNSD, OPR, OPB, OPC,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 two Notices to End the Tenancy dated January 8, 2015 for cause and non-payment of rent.. Only the landlord attended the application.

### Issues:

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

### Background and Evidence:

The landlord NG testified that the tenancy began on October 1, 2104 with rent in the amount of \$ 1,000.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 500.00 on October 1, 2104. The landlord's agent testified that she served both Notices to End the tenancy on January 8, 2015 by handing them to the tenants and the dispute resolution package by registered mail on January 23, 2015. NG testified that the arrears from January through February were \$ 1,570.0.

### Analysis:

Based on the evidence of the landlord I find that the tenants were personally served with the Notices to End Tenancy on January 8, 2015. Based upon the landlord's evidence and with reference to Canada Post's web site, I find that the application for Dispute Resolution was served on both tenants on January 30, 2015 by registered mail. The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notices 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 tenant. I find that the landlord has established a claim for unpaid rent totalling \$ 1,570.00 and the filing fee of \$ 50.00 however as the landlord has only specified \$ 570.00 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 \$ 500.00 and I grant the landlord an order under section 67 for the balance due of **\$ 70.00**. 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. The landlord may bring another application for the loss of any other arrears, revenue or compensation.

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 10, 2015

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Residential Tenancy Branch

