



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPB, MNR, MNDC, 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 tenant attended the teleconference hearing.

### Issues:

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

### Background and Evidence:

The landlord testified that the tenancy began on November 1, 2014 with rent in the amount of \$ 900.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 450.00 on November 1, 2014. The landlord testified that she served the Notice to End the tenancy on January 22, 2015 by posting it to the tenant's door and the dispute resolution package by sending it to the tenant by registered mail. The landlord testified that according to Canada Post's web site the tenant signed for the package on February 6, 2015. The landlord testified that the arrears from January through February were \$ 1,800.00.

The tenant, who had not disputed the Notice, testified that the landlord refused to accept his rent for January 2015 and admitted not paying any rent for February.

### 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 January 25,

2015 by posting it to the door on January 22, 2015. I find that the application for Dispute Resolution was served on February 6, 2015 by registered mail. Although the tenant claimed he offered to pay the rent for January, he 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 \$ 1,800.00 and the filing fee of \$ 50.00 for a total claim of \$ 1,850.00.

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 \$ 450.00 and I grant the landlord an order under section 67 for the balance due of **\$ 1,400.00**. 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: February 17, 2015

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Residential Tenancy Branch

