



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security and pet deposits in partial satisfaction of the monetary claim.

The notice of hearing was served on the tenant on February 13, 2015 in person in the presence of a witness. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

### **Issues to be decided**

Is the landlord entitled to an order of possession and a monetary order?

### **Background and Evidence**

The tenancy started on November 01, 2014. The monthly rent is \$600.00 due on the first of each month. Prior to moving in, the tenant paid a security deposit of \$300.00 and a pet deposit of \$150.00. The landlord testified that right from the start of the tenancy, the tenant paid rent late every month. The landlord served the tenant with multiple notices to end tenancy. The last notice was served on the tenant on February 04, 2015 by posting the notice on the tenant's front door. The landlord filed a photograph of the notice posted on the door. The tenant is deemed to have received the notice on February 07, 2015.

The tenant did not dispute the notice and made a partial payment of \$590.00 on February 16, 2015, for which the landlord issued a receipt for use and occupancy only. The landlord filed a photograph of the receipt.

At the time of the hearing the tenant owed the landlord rent for March 2015, in the amount of \$600.00 plus \$10.00 for February 2015, for a total of \$610.00 in unpaid rent.

The landlord is applying for an order of possession effective two days after service on the tenant and a monetary order for unpaid rent and the filing fee. The landlord is also applying to retain the security and pet deposits, in partial satisfaction of the claim.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for unpaid rent, on February 07, 2015 and did not pay rent within five days of receiving the notice to end tenancy nor did the tenant make application, pursuant to Section 46 to set aside the notice to end a residential tenancy, and the time to do so has expired. In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to his monetary claim of \$610.00 for unpaid rent. Since the landlord has proven his case, he is entitled to the recovery of the filing fee of \$50.00. I order that the landlord retain the security and pet deposits of \$450.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$210.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective **two days after service** on the tenant and a monetary order in the amount of **\$210.00**.

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: March 10, 2015

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Residential Tenancy Branch