



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kim Gin and Sons Ltd and Doina Lucanu
and [tenant name suppressed to protect privacy]

DECISION

Codes: MNR, MNSD, MNDC, 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 DL testified that the tenancy began on October 15, 2014 with rent in the amount of \$ 950.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 462.50 in two instalments by November 3, 2014. DL testified that she served the Notice to End the tenancy on February 6, 2015 by posting it to the tenant's door and the dispute resolution package by sending it by registered mail on February 19, 2015. The landlord's agent testified that rental arrears through March 2015 are \$ 475.00.

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 February 9, 2015. Based upon 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 20, 2015 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 \$ 475.00 and the filing fee of \$ 50.00 however as the landlord has only specified \$ 347.50 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 sum of \$ 347.50 from the deposit. The landlord is directed to comply with section 38 of the Act by either returning the balance of the deposit to the tenant, obtaining her consent or bringing an application to request an Order to retain the balance. I have dismissed with leave all other applications made by the landlord. 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: March 17, 2015

Residential Tenancy Branch

