



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: MNR, MNDC, 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. Only the landlord's agent DC attended the application.

### Issues:

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

### Background and Evidence:

The landlord's agent DC testified that the tenancy began on October 1, 2014 with rent in the amount of \$ 1,500.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 750.00 on March 13, 2014 pursuant to a previous tenancy. DC testified that he served the Notice to End the tenancy on February 17, 2015 by registered mail and the dispute resolution also by registered mail on March 4, 2015. DC testified that the arrears from January through February 2015 were \$ 3,100.00 and that the tenants failed to pay the strata move in fee of \$ 100.00 as required by the tenancy agreement for a total claim of \$ 3,100.00.

### 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 on February 23, 2015 and the Dispute Resolution package on March 6, 2015. 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.

I find that the landlord has established a claim for unpaid rent totalling \$ 3,000.00, move in fee of \$ 100.00, and the filing fee of \$ 50.00.

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 \$ 750.00 and I grant the landlord an order under section 67 for the balance due of **\$ 2,400.00**. 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 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: March 31, 2015

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Residential Tenancy Branch

