



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 583230 BC Ltd. and Royal LePage City Centre
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that they served the tenants with the application for dispute resolution and notice of hearing by registered mail sent on March 5, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenants were deemed served with notice of the hearing on March 6, 2015, and I proceeded with the hearing in the absence of the tenants.

Issue(s) to be Decided

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

Background and Evidence

The tenancy began on September 1, 2014. Rent in the amount of \$930 is payable in advance on the first day of each month. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$465 and a pet deposit of \$465. The tenants failed to pay rent in the month of February 2015 and on February 19, 2015 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of March 2015. The landlord has claimed \$1860 in unpaid rent and lost revenue for February and March 2015, and late fees of \$25 each for those two months.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord, indicating:
 - monthly rent of \$930 due on the first of each month;
 - payment of a security deposit of \$465 and a pet deposit of \$465; and
 - a clause allowing the landlord to charge the tenant \$25 for late payment of rent;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, for failure to pay rent in the amount of \$950 that was due on February 1, 2015;
- evidence showing that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail sent on February 19, 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed March 5, 2015.

Analysis

I have reviewed all evidence and I accept that the tenants were served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenants on February 24, 2015.

I accept the evidence before me that the tenants failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenants are conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on March 6, 2015, the corrected effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$1860 in unpaid rent and lost revenue, and \$50 for late payment fees. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is entitled to \$1960. I order that the landlord retain the security and pet deposits of \$930 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1030. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: April 8, 2015

Residential Tenancy Branch

