



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Action Property Management
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's agents attended the application.

Issues:

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

Background and Evidence:

The landlord's agent DS testified that the tenancy began on October 28, 2011 with rent in the amount of \$ 769.00 and \$ 25.00 for water utilities due in advance on the first day of each month. The tenant paid a security deposit of \$ 365.00 on October 27, 2011. The landlord's agent testified that she served the Notice to End the tenancy on March 3, 2015 by posting it to the tenant's door and the dispute resolution package by sending it by registered mail on March 23, 2015. The landlord's agent testified that the arrears to date are \$ 308.00.

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 March 6, 2015 by posting it to the door. I find that the application for Dispute Resolution was deemed to have been served on March 28, 2015 by registered mail although the tenant had not retrieved the package from Canada Post as of the date of this hearing. 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 \$ 308.00 and the filing fee of \$ 50.00 for a total of \$ 358.00.

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 \$ 358.00 from the deposit I direct that the landlord deal with the remainder of the deposit in accordance with section 38 of the Act. 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: April 28, 2015

Residential Tenancy Branch

