



# 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 for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the conference call hearing. Both parties confirmed that the Notice of Hearing package and evidence was served in accordance with the Rules of Procedure and in accordance with the Act. Both parties gave affirmed evidence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about January 15, 2014. Rent in the amount of \$1050.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$525.00. The tenant failed to pay rent in the month(s) of February and February 20, 2015 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of March.

The tenant gave the following testimony:

The tenant stated that he advised the landlord that he would not be paying the rent due to the rat infestation. The tenant stated that he would resume payment once the matter was resolved.

### Analysis

Both parties confirmed that the tenant moved out on March 7, 2015 and that an order of possession is no longer required; accordingly I dismiss this portion of the landlords' application. I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice.

As for the monetary order, I find that the landlord has established a claim for \$2100.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$525.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1625.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$1625.00. The landlord may retain the security deposit.

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: May 12, 2015

