



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            OPR, MNR, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the two month Notice to End Tenancy was personally served on the Tenant on April 30, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on June 22, 2015. With respect to each of the applicant's claims I find as follows:

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on or about October 1, 2011. The present rent is \$1000 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$500 at the start of the tenancy. The tenant(s) continue to live in the rental unit.

### Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a 2 month Notice to End Tenancy on April 30, 2015 that provided that the tenancy was to end on

June 30, 2015. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order, Security Deposit and Cost of Filing fee:

The landlord testified the tenant has not paid the rent for July 2015 and this represents his obligation under section 51(1) that the tenant is entitled to the equivalent of one month rent free. He further stated he was not interested in a monetary order for the rent for August provided the tenant vacates in accordance with the Order for Possession. As a result I ordered that the tenant's application for a monetary order and retain the security deposit is dismissed with liberty to re-apply. The landlord further stated he was not interested in an order for the cost of the filing fee. As a result I dismissed the landlord application for the cost of the filing fee.

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: August 18, 2015

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Residential Tenancy Branch

