



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes

OPR MNR MNSD FF O

### 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 and pet deposits in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord submitted evidence that they served the tenant with the application for dispute resolution and notice of hearing by registered mail sent on July 24, 2015. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I found that the tenant was deemed served with notice of the hearing on July 29, 2015, and I proceeded with the hearing in the absence of the tenant.

### 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 March 1, 2015. Rent in the amount of \$2,400.00 is payable in advance on the first day of each month. At the outset of the tenancy, the tenant paid the landlord a security deposit of \$1,200.00 and a pet deposit of \$400.00. The tenant failed to pay rent in the month of May 2015 and on May 27, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the months of June, July, August, September and October 2015.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord on February 26, 2015, indicating a monthly rent of \$2,400.00 due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on May 26, 2015, with an effective vacancy date of June 6, 2015, for failure to pay rent in the amount of \$2,400.00 that was due on May 1, 2015;

- testimony that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by posting the notice on the rental unit door on May 27, 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed July 23, 2015.

### Analysis

I have reviewed all evidence and I accept that the tenant was served with the notice to end tenancy as declared by the landlord. The notice is deemed to have been received by the tenant on May 30, 2015.

I accept the evidence before me that the tenant has failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenant is conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on June 10, 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 \$14,400.00 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$100.00 filing fee.

### Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant 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 \$14,500.00. I order that the landlord retain the security and pet deposits of \$1,600.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$12,900.00. 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: October 13, 2015

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Residential Tenancy Branch

