



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Bristol Estates  
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 agent RG attended the application. Based upon the evidence of RG I found that the Notice to End the Tenancy for Non-Payment of Rent was served on both tenants on October 5, 2105 by posting it to the door on October 2, 2015. I also found that the tenant RC was served by hand with the application on October 16, 2015 and the tenant GL was deemed to have been served by registered mail on October 23, 2015.

### Issues:

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

### Background and Evidence:

The landlord's agent testified that the tenancy began on June 15, 2006 with rent in the amount of \$ 858.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 397.50 and pet deposit of \$ 397.50 on June 15, 2006. The landlord's agent testified that the arrears from October through November 2015 were \$ 58.00 and that pursuant to the tenancy agreement the landlord was entitled to late payment fees at \$ 25.00 each for October and November 2105 totalling \$ 50.00. The landlord asked for an Order for Possession.

### Analysis:

The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are 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 tenants. I find that the landlord has established a claim for unpaid rent totalling \$ 58.00 and late payment fees of \$ 50.00 and the filing fee of \$ 50.00 for a total monetary claim of \$ 158.00. The landlord requested that these amounts not be deducted from the security deposit.

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 grant the landlord an order under section 67 for the balance due of **\$ 158.00**. 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. I caution the landlord to deal with the security and pet deposits in accordance with section 38 of the Act.

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: December 14, 2015

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Residential Tenancy Branch

