



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC 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.

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 December 17, 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 December 22, 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 September 1, 2014. Rent in the amount of \$1,850.00 was 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 of \$925.00 and a pet deposit of \$500.00. The rent was raised in accordance with the Act to \$1,896.25 commencing December 1, 2015. The tenant failed to pay rent in the month of December 2015 and on December 2, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting the notice on the rental unit door. The tenant further failed to pay rent in the month of January 2016. The landlord also claimed \$103.95 for a plumber's bill when the tenant refused to contain her dog and the plumber therefore refused to enter the rental unit.

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 December 5, 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 December 15, 2015, the 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 \$1,896.25 in unpaid rent and lost revenue for December 2015 and January 2016. The landlord's claim for the plumber's bill is also undisputed and I grant that amount. The landlord is also entitled to recovery of the \$50.00 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 \$3,946.45. I order that the landlord retain the security and pet deposits of \$1,425.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,521.45. 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: February 3, 2016

Residential Tenancy Branch