



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNR, MNSD, 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 pursuant to a Notice to End a tenancy for non-payment of rent dated January 8, 2016. Both the landlord and the tenant attended the conference call application.

Issues:

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

Service of Documents:

The landlord testified that she served the Notice to End the tenancy on January 8, 2016 by posting it to the tenant's door and the dispute resolution package by sending it by to the tenant on January 20, 2016 by registered mail. Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on January 11, 2016. The tenant admitted that he received the Application for Dispute Resolution by registered mail.

Background and Evidence:

The landlord testified that the tenancy began on September 9, 2015 with rent in the amount of \$ 400.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 200.00 on September 6, 2015. The landlord testified that the arrears from December 2015 through January 2016 were \$ 600.00 and that the tenant also owed utilities amounting to \$ 37.75 for a total claim of \$ 637.75.

The tenant admitted owing the claimed amounts but w\had lost his job and hoped to be able to pay all the arrears by the middle of March 2016.

The landlord requested an Order for Possession and monetary Order for all the outstanding amounts.

Analysis:

The tenant has not paid all the outstanding rent on time and has not applied for arbitration to dispute the Notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts and with the landlord's consent I find that the landlord is entitled to an order for possession effective February 29, 2016 after service on the tenant. I find that the landlord has established a claim for unpaid rent and utilities totalling \$ 637.75 and the filing fee of \$ 100.00 for a total award of \$ 737.75.

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 order that the landlord retain the deposit and interest of \$ 200.00 and I grant the landlord an order under section 67 for the balance due of **\$ 537.75**. 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.

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 22, 2016

Residential Tenancy Branch

