



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 landlords 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 the Tenancy for Non-payment of Rent dated January 5, 2015. Only the landlords attended the conference call hearing.

Issues:

Are the landlords entitled to an Order for Possession and Monetary Order?

Preliminary Matters and Service of Documents:

The landlords admitted that only JT was an actual tenant and S H was an occupant. Accordingly I have dismissed all claims against SH. The landlords testified that they served the Notice to End the tenancy on January 5, 2016 by putting it through the tenant's mail slot and the dispute resolution package by sending it to the tenant on January 21, 2016 by registered mail. Based on the evidence of the landlords 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 8, 2016. I find that the application for Dispute Resolution was deemed to be served on January 26, 2016 by registered mail.

Background and Evidence:

The landlords testified that the tenancy began on October 31, 2008 with rent in the amount of \$ 880.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 400.00 on October 18, 2008. The landlords testified that the arrears from January and February were \$ 1,360.00. The landlords also requested an Order for Possession.

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 I find that the landlords are entitled to an order for possession effective two days after service on the tenant. I find that the landlords have established a claim for unpaid rent totalling \$ 1,360.00 and the filing fee of \$ 100.00 for a total award of \$ 1,460.00.

Conclusion:

I have granted the landlords an Order for Possession as against JT. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlords retain the deposit and interest of \$ 401.23 and I grant the landlords an order under section 67as against JT for the balance due of **\$ 1,058.77**. 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 have dismissed all claims as against SH.

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 23, 2016

Residential Tenancy Branch

