



# 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 and a Monetary Order pursuant to a Notice to End a Tenancy for Non-payment of Rent dated January 4, 2016. Only the landlord attended the application.

### Issues:

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

### Service of Documents:

The landlord's agent IM testified that he served the Notice to End the tenancy on January 4, 2016 by handing it to the tenant. And the dispute resolution package by handing it to the tenant on January 23, 2016. Based on the evidence of the landlord's agent I find that the tenant was served with both the Notice and the Dispute package on the days that they were handed to the tenant.

### Background and Evidence:

The landlord testified that the tenancy began on July 13, 2012 with rent in the amount of \$ 750.00 due in advance on the first day of each month. The tenant failed to pay any security or pet deposit. The landlord testified that the arrears from November 2015 through January 2106 were \$ 1,700.00. The landlord also claimed for \$ 900.00 for unpaid utilities for a total claim of \$ 2,600.00.

### 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 landlord is entitled to an order for possession effective two days after service on the tenant. I find that the landlord has established a claim for \$ 2,600.00 and the filing fee of \$ 100.00 totalling \$ 2,700.00.

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 **\$ 2,700.00**. 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.

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

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Residential Tenancy Branch

