



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Intercity Developments Ltd
Hunter McLeod Realty Corp.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes MNR, OPR

Introduction

This hearing was convened, following a Decision dated February 24, 2016 that adjourned the matter, in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of Possession - Section 55; and
2. A Monetary Order for unpaid rent - Section 67.

I accept the Landlord’s evidence that the Tenant was served with the Notice of Reconvened Hearing by posting the materials on the door of the unit on March 7, 2016 in accordance with the Interim Decision dated February 24, 2016 and received by the Landlord on March 2, 2016. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Has the Tenant failed to pay rent?

Is the Landlord entitled to an order of possession?

Background and Evidence

The tenancy began on September 1, 2010. In November 2010, the Applicant became the owner and Landlord of the unit. Rent of \$1,075.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected \$487.50 as a security deposit from the Tenant. The Tenant failed to pay rent for January 2016 and on January 12, 2016 the Landlord served the Tenant with a 10 day notice to end tenancy for unpaid rent (the "Notice") by posting the Notice on the door. The Tenant has not made an application for dispute resolution and has not moved out of the unit. The Tenant paid \$1,075.00 on February 2, 2016 and \$700.00 on March 11, 2016. The Landlord issued receipts for those payments indicating the monies were taken for "use and occupancy only". The Landlord claims remaining unpaid rent to March 15, 2015 of \$2,372.50 and an order of possession for as soon as possible.

Analysis

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the Notice by making an application for dispute resolution and the time for making that application has expired. As the Tenant did not dispute the Notice and considering that the Tenant has failed to pay the rent as required under the tenancy agreement I find that the Landlord is entitled to an order of possession and a monetary order for **\$2,372.50**. Deducting the security deposit of **\$487.50** plus zero interest from this amount leaves **\$1,885.00** owed by the Tenant to the Landlord.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **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.

I order that the Landlord retain the **deposit** and interest of \$487.50 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$1,885.00**. If necessary, 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: April 14, 2016

Residential Tenancy Branch