



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding New Chelsea Society
and [tenant name suppressed to protect privacy]

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. 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 testified that he served the Notice to End the tenancy on April 6, 2016 by posting it to the tenant's door and the dispute resolution package by sending it by registered mail on May 9, 2016. Based on the evidence of the landlord's agent I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on April 9, 2016. I find that the application for Dispute Resolution was deemed to have been served on May 14, 2016 by registered mail.

Background and Evidence:

The landlord's agent testified that the tenancy began on April 1, 2014 with rent in the amount of \$ 1,532.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 750.00 on April 1, 2014. The landlord's agent testified that the arrears from January through May 2016 were \$ 6,451.00. The landlord is asking for an Order for Possession and a Monetary Order for the arrears.

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 unpaid rent totalling \$ 6451.00 and the filing fee of \$ 100.00.

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 order that the landlord retain the deposit and interest of \$ 750.00 and I grant the landlord an order under section 67 for the balance due of **\$ 5,801.00**. 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: June 07, 2016

Residential Tenancy Branch