



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: OPR, FF

Introduction:

This was an application by the landlord for an Order for Possession and recovery of the filing fee pursuant to a Notice to End the Tenancy for Non-Payment of Rent dated June 12, 2016. Only the landlord and her agent attended the application.

Issues:

Is the landlord entitled to an Order for Possession?

Service of Documents:

The landlord's agent testified that she served the Notice to End the tenancy on June 12, 2016 by handing it to the tenant on June 12, 2016 and the dispute resolution package by posting it to the tenant's door on June 21, 2106. Based on the evidence of the landlord's agent I find that the tenant was personally served with a Notice to End Tenancy for non-payment of rent on June 12, 2016. I find that the application for Dispute Resolution was deemed to have been served on June 24, 2016.

Background and Evidence:

The landlord's agent testified that the tenancy began on March 1, 2016 with rent in the amount of \$ 450.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 225.00 on March 1, 2016. The landlord's agent testified that the tenant had not paid any rent from May 2016 to date. The landlord requested an Order for Possession and recovery of the filing fee.

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 allow the landlord to retain the sum of \$ 100.00 from the tenant's security deposit representing the filing fee. I caution the landlord to deal with the remainder of the security deposit in accordance with section 38 of the Act.

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 \$ 100.00 from the security deposit representing recovery of the filing fee. This Decision and Order must be served on the tenant as soon as possible. The landlord is at liberty to bring another application for recovery of any unpaid rent or other monetary claims and against the security deposit.

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: July 18, 2016

Residential Tenancy Branch