



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNR, MNSD, MNDC, OPR, FF

Introduction:

This was an application by the landlord pursuant to a Notice to End a Residential Tenancy for Non-Payment of Rent dated February 1, 2017, 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 testified that he served the Notice to End the tenancy on February 1, 2017 by posting it to the tenants' door and the dispute resolution package by sending it by registered mail on February 16, 2017. Based on the evidence of the landlord I find that the tenants were deemed to have been personally served with a Notice to End Tenancy for posting it to the door on January 3, 2014. I find that the application for Dispute Resolution was deemed to have been served on February 21, 2017 by registered mail.

Background and Evidence:

The landlord testified that the tenancy began on January 1, 2014 with rent in the amount of \$ 1,275.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 637.50 on May 23, 2014. The landlord testified that the arrears from November 2016 through March 2017 were \$ 6,375.00. The landlord requested an Order for Possession.

Analysis:

The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are 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 tenants. I find that the landlord has established a claim for unpaid rent totalling \$ 6,375.00 and the filing fee of \$ 100.00 for a total award of \$ 6,475.00.

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 \$ 637.50.00 and I grant the landlord an order under section 67 for the balance due of **\$ 5,837.50**. 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 tenants 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: March 14, 2014

Residential Tenancy Branch