



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Codes: MNR, 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 and Preliminary Matters:

The landlord testified that she sent the Notice to End the tenancy on February 6, 2017 by registered mail and the dispute resolution package by registered mail on February 18, 2017. Based on the evidence of the landlord and with reference to Canada post's web site I find that the tenants were personally served with the Notice to End Tenancy for non-payment of rent on February 17, 2017. The tenants declined or refused to retrieve the application for dispute resolution and accordingly I find that it was deemed to have been served on February 23, 2016 by registered mail.

The landlord admitted that only SW signed the tenancy agreement and paid the rent. Accordingly I find that the other respondent JN is not properly a party and I have dismissed all claims against him.

### Background and Evidence:

The landlord testified that the tenancy began on January 1, 2016 with rent in the amount of \$ 700.00 due in advance on the first day of each month. The tenant paid a

security deposit of \$ 450.00 on December 29, 2015. The landlord testified that the arrears from December 2016 to March 2017 are \$ 2,674.40. The landlord requested an order for possession and a monetary order.

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 \$ 2,674.40 and the filing fee of \$ 100.00.

Conclusion:

I have granted the landlord an Order for Possession as against SW. 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 \$ 450.00 and I grant the landlord an order under section 67 as against SW for the balance due of **\$ 2,324.40**. 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. I have dismissed all claims against JN.

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 21, 2017

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Residential Tenancy Branch