



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the conference call hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The facts were not in dispute. The tenancy began on or about April 1, 2010. Rent in the amount of \$850.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$425.00 and a short time later collected a \$100.00 pet deposit. The tenant failed to pay rent in the month of January 2011 and on January 3 the landlord served the tenant with a notice to end tenancy.

Analysis

I find that the tenant was served with a notice to end tenancy for non-payment of rent on January 3, 2011. Although the tenant claimed that she telephoned the landlord and offered to pay the rent on January 6, she did not in fact pay the rent within 5 days of receiving the notice and did not apply for dispute resolution 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 of possession. The tenant must be served with the 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.

As for the monetary order, I find that the landlord has established a claim for \$850.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$425.00 security deposit and the \$100.00 pet deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$375.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$375.00. The landlord may retain the security deposit.

January 31, 2011

Dispute Resolution Officer