



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Gateway Property Management
and [tenant name suppressed to protect privacy]

DECISION

Codes: OPR, MNR, FF

Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order for unpaid rent. Only the landlord's agent N.M. attended the application.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlord testified that the tenancy began on August 1, 2012 with rent in the amount of \$ 1,125.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 562.50 on July 6, 2012. The landlord testified that he served the Notice to End the tenancy on May 2, 2013 by placing it in the tenants' mailbox and the dispute resolution package by handing it to R.A. who resides with E.D. on May 16, 2013. N.M. testified that on June 7, 2013 E.D. acknowledged to him that he had received the hearing package. . N.M. testified that the tenants have not paid any rent for May or June 2013 and the landlord is currently claiming for the recovery of the rent for May.

Analysis:

Pursuant to section 71(2) of the Act and the evidence of the landlord I find that the dispute package has sufficiently been served by May 16, 2013. Based on the evidence of the landlord I find that the tenant was personally served with a Notice to End Tenancy for non-payment of rent on May 5, 2013. 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 \$ 1,125.00 for May 2013. The landlord is permitted to reapply for loss of further revenue if required.

I have dismissed as abandoned the claim for late payment fees. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 1,175.00.

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 \$ 562.50 and I grant the landlord an order under section 67 for the balance due of **\$612.50**. 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 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 11, 2013

Residential Tenancy Branch