



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding LLA Investments Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not appear although they were served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on November 7, 2013.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on April 15, 2013. The rent is \$640.00 due in advance on the first day of each month. The tenants paid a security deposit of \$320.00 at the start of the tenancy. The tenants did not pay the full rent for September when it was due. They paid \$560.00, leaving \$80.00 due for September. On September 12, 2013 the landlord personally served the tenants with a Notice to End Tenancy for non-payment of rent by handing it to one of the tenants at the rental unit. The tenants have made no payment since receiving the Notice to End Tenancy and rent for October, November and December is now outstanding as well as \$80.00 arrears from September. The tenants did not file an application to dispute the Notice to End Tenancy.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenants must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute

Resolution with the Residential Tenancy Branch. If, as in the present case, the tenants do neither of these two things, the tenants are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit – I allow the landlord to include a claim for December rent as part of his claim. I find that the landlord has established a total monetary claim of \$2,000.00 for the outstanding rent for September, October, November and December. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2,050.00. I order that the landlord retain the deposit of \$320.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,730.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: December 19, 2013

Residential Tenancy Branch

