



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: *OPC, MNR, MNSD*

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for an order of possession and for a monetary order for unpaid rent. The landlord also applied to retain the security deposit.

The notice of hearing was served on the tenant on May 01, 2015 by registered mail. The landlord provided a tracking number. Despite having been served the notice of hearing, the tenant did not attend the hearing. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order to recover unpaid rent and to retain the security deposit?

Background and Evidence

The tenancy started on November 15, 2013. The monthly rent is \$1,200.00 due in advance on the first of each month. Prior to moving in the tenant paid a security deposit of \$500.00.

The landlord testified that the tenant has been late paying rent since November 2014 and has filed a copy of a bank statement indicating the dates and amounts of rent paid. The landlord provided a breakdown of the amounts owed by the tenant and as of the date of the hearing, the tenant owes a total amount of \$4,250.00 in unpaid rent.

On April 07, 2015, the landlord served the tenant with a notice to end tenancy for cause. The reason for the notice is that the tenant is repeatedly late paying rent. The effective date of the notice is May 31, 2015. The tenant did not dispute the notice to end tenancy. As per the ledger filed into evidence by the landlord, the tenant owes \$4,250.00 in unpaid rent.

The landlord is applying for a monetary order for this amount and for an order of possession effective two days after service on the tenant

Analysis

Based on the undisputed sworn testimony of the landlord, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy for cause, on April 07, 2015 and did not make application, pursuant to Section 47 to set aside the notice to end a residential tenancy, and the time to do so has expired.

In these situations, the *Residential Tenancy Act* provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. The Order may be filed in the Supreme Court for enforcement.

I find that the landlord is entitled to \$4,250.00 for unpaid rent. . I order that the landlord retain the security deposit of \$500.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of \$3,750.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective two days after service on the tenant and a monetary order in the amount of **\$3,750.00**.

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 12, 2015

Residential Tenancy Branch

