



Dispute Resolution Services

Page: 1

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 and a Monetary Order pursuant to a Notice to End a Tenancy for Non-Payment of Rent dated January 5, 2016. Only the landlord attended the teleconference application.

Issues:

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

Service of Documents:

The landlord testified that he served the Notice to End the tenancy on January 5, 2016 by posting it to the tenant's door and the dispute resolution package by sending it to the tenant on February 12, 2016 by registered mail. Based on the evidence of the landlord I find that the tenant was deemed to have been personally served with a Notice to End Tenancy for non-payment of rent on January 8, 2016 and the application for Dispute Resolution was deemed to have been served on February 17, 2016 by registered mail.

Background and Evidence:

The landlord testified that the tenancy began in or about September 2012 with rent in the amount of \$ 650.00 due in advance on the first day of each month. The tenant paid a security deposit of \$ 325.00 at the beginning of the tenancy. The landlord testified that although the tenant made partial payments of rent, the arrears to date were \$ 730.00. 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 \$ 730.00 and the filing fee of \$ 100.00.

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 \$ 325.00 and I grant the landlord an order under section 67 for the balance due of **\$ 505.00**. 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: March 30, 2016

Residential Tenancy Branch