



Dispute Resolution Services

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

DECISION

Dispute Codes: OPR, MND, & MDSD.

This hearing dealt with an application by the landlord for an Order of Possession and a monetary claim related to non-payment of rent by the tenants. Although the tenants were served with notice of the landlord's application and this hearing, they failed to appear.

I am satisfied, in the absence of any evidence from the tenants that a ten day Notice to End Tenancy was served upon the tenants on August 7, 2008. The tenants had five days from receiving the notice to either pay the outstanding rent in full or file an application to dispute the notice. Having failed to exercise either of these rights the tenants are conclusively presumed to have accepted the end of the tenancy pursuant to section 46(5) of the *Act*.

On this basis I grant the landlord an Order of Possession effective **September 30, 2008** at **1:00 p.m.** This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I am further satisfied that the tenants owe the landlord the sum of \$1,146.50 comprised of outstanding rent plus the recovery of the \$50.00 filing fee the landlord paid for this application. From this sum I Order that the landlord may retain the tenants' security deposit plus interest of \$370.60 in partial satisfaction of this claim.

I grant the landlord a monetary Order for the remaining balance of **\$775.90**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Dated September 19, 2008.