



Dispute Resolution Services

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

DECISION

Dispute Codes: OPR, MNR, MNSD, & FF

Introduction:

This hearing dealt with a landlord's application for an Order of Possession and a monetary claim related to non-payment of rent. Although the tenants were served with notice of this hearing and application by registered mail they failed to appear. I deem the tenants as having been served in accordance with section 88 and 89 of the *Act*. I proceeded with the hearing in the tenants' absence.

Issues to be Determined:

Is the landlord entitled to an Order of Possession and a monetary claim due to non-payment of rent by the tenants?

Background and Evidence:

This tenancy began on April 1, 2008. The monthly rent was to be \$900.00. I accept the evidence of the landlord that the tenants paid a security deposit of \$450.00 on March 30, 2008 but have failed to pay any of the monthly rent.

On November 18, 2008 the landlord served the tenants with a ten day Notice to End Tenancy due to non-payment of rent. The landlord provided photographic evidence showing that the notice was posted on the front door of the rental unit.

Analysis:

I accept the evidence of the landlord in the absence of any evidence from the tenants that a ten day Notice to End Tenancy was served on November 18, 2008. The tenants had 5 days from receiving the notice to either pay the outstanding rent or to file an application for dispute resolution 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 **two (2) days** after it is served upon the tenants. This Order may be filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I also accept the uncontested evidence of the landlord that the tenants have failed to pay rent for the entire term of this tenancy for the sum of \$8,100.00. I also accept the landlord's request to recover the \$100.00 filing fee paid for this application from the

tenants. I find that the landlord has established a total monetary claim of \$8,200.00. From this sum I Order that the landlord may retain the tenants' security deposit plus interest of \$454.94 in partial satisfaction of this claim.

I grant the landlord a monetary Order for the remaining balance of **\$7,745.06**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

In the absence of the tenants, I find that the landlord has established her application for an Order of Possession and a monetary claim.

Dated December 22, 2008.

Dispute Resolution Officer