



# 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 an application by the landlord seeking an Order of Possession and a monetary claim due to non-payment of rent by the tenants. The landlord is also seeking to retain the tenants' security deposit plus interest in partial satisfaction of this claim. Both parties appeared for the hearing and were provided the opportunity to be heard and respond to the evidence of the other party.

### 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? Is the landlord entitled to retain the tenants' security deposit plus interest in partial satisfaction of this claim?

### Background and Evidence:

This tenancy began on July 1, 2006 for the monthly rent of \$700.00. The tenants' paid a security deposit of \$350.00 on July 1, 2006. The tenants' began to fall behind in rent as of October 2008 and currently owe the landlord the sum of \$1,305.20 in rental arrears.

The landlord served the tenants with a ten day Notice to End Tenancy due to non-payment of rent on November 4, 2008. The tenants have not disputed the notice or paid the outstanding rent within the timelines provided under section 46 of the *Act*. Pursuant to section 46(5) of the *Act* the tenants are conclusively presumed to have accepted the end of the tenancy.

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 find that the landlord has established a monetary claim totalling \$1,355.20 including the recovery of the \$50.00 filing fee paid by the landlord for this application. From this sum I Order that the landlord may retain the tenants' security deposit plus interest of \$361.26 in partial satisfaction of this claim.

I grant the landlord a monetary Order for the remaining balance of **\$993.94**. This Order may be filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Conclusion:

I have granted the landlord's application. The landlord is granted an Order of Possession and a monetary Order due to non-payment of rent by the tenants.

Dated December 15, 2008.

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Dispute Resolution Officer