



Dispute Resolution Services

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

Decision

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application for an order of possession, a monetary order for unpaid rent, and recovery of the filing fee. The landlord's agent participated in the hearing and gave affirmed testimony. Despite being served in person on January 12, 2009 with the application for dispute resolution and notice of hearing, the tenants did not appear.

Issues to be Decided

- Whether the landlord is entitled to an order of possession
- Whether the landlord is entitled to a monetary order under the *Act*

Background and Evidence

The month-to-month tenancy began on or about October 1, 2008. The tenants' portion of subsidized rent is \$503.00 per month. A security deposit was not collected.

The tenants are currently in arrears with rent in the total amount of \$849.00 as follows:
October 2008: \$218.00; November 2008: \$128.00; December 2008: \$503.00.

Accordingly, the landlord served the tenants with a 10 day notice to end tenancy for unpaid rent. The tenants subsequently paid rent in full for January and February 2009.

The landlord submitted into evidence a copy of the 10 day notice dated December 22, 2008 which was served by posting on the tenants' door that same day.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord's agent, I find that the tenants were served with the application for dispute resolution and the notice of hearing, in addition to a 10 day notice to end tenancy for unpaid rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 46(5) of the *Act* to have accepted that the tenancy ended on the effective date of the notice which was January 5, 2009. I therefore find that the landlord is entitled to an order of possession.

As for the monetary order, I find the landlord has established a claim for \$899.00 which is comprised of \$849.00 in outstanding rent for October, November and December 2008 combined, and the \$50.00 filing fee for this application. I therefore grant the landlord a monetary order under section 67 of the *Act* for \$899.00.

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **two (2) days** after service upon the tenants. This order must be served on the tenants. Should the tenants fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I hereby grant the landlord a monetary order under section 67 of the *Act* for **\$899.00**. This order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: February 10, 2009

Dispute Resolution Officer