



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 from the landlord(s) for an order of possession, a monetary order for unpaid rent, retention of the security deposit, and recovery of the filing fee for this application. The landlord(s) participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing, the tenant did not appear.

Issues to be decided

- Whether the landlord(s) are entitled to an order of possession
- Whether the landlord(s) are entitled to a monetary order under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the month-to-month tenancy began with the above named tenant and one other individual, on or about January 1, 2009. Rent in the amount of \$800.00 is payable on the first day of the month, and a security deposit of \$200.00 was collected from each of the two tenants at the outset of tenancy. The other of the two original tenants vacated the unit and his portion of the security deposit in the amount of \$200.00 was repaid to him at that time. The above named tenant is presently the only occupant in the unit who is known to the landlord.

The landlord(s) issued a 10 day notice to end tenancy for unpaid rent dated July 2, 2009. The notice was served in person at the dispute address on that same date with

an adult who apparently resides with the tenant. A copy of the notice was submitted into evidence. Subsequently, the outstanding rent of \$400.00 has not been paid.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord(s), I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 2, 2009. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord(s) are entitled to an order of possession.

As for the monetary order, I find that the landlord(s) have established a claim of \$450.00. This is comprised of \$400.00 in unpaid rent for July 2009, in addition to the \$50.00 filing fee. I order that the landlord(s) retain the security deposit of \$200.00 and I grant the landlord(s) a monetary order under section 67 of the Act for the balance owed of \$250.00.

Conclusion

Pursuant to all of the above, I hereby issue an order of possession in favour of the landlord(s) effective not later than **two (2) days** after service upon the tenant. This order must be served on the tenant. Should the tenant 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.

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord(s) in the amount of **\$250.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

DATE: September 2, 2009

Dispute Resolution Officer