

Decision

Dispute Codes: OPC, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, retention of the security deposit, and recovery of the filing fee. The landlord and the landlord's agents 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, neither tenant appeared.

Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act

Background and Evidence

Pursuant to a written residential tenancy agreement, the fixed term of tenancy is from January 24, 2009 to January 31, 2010. Rent in the amount of \$700.00 is payable on the first day of the month, and a security deposit of \$350.00 was collected on or about January 24, 2009.

The landlord issued a 1 month notice to end tenancy for cause dated September 4, 2009. The notice was served on the tenants by way of registered mail. Subsequently, it is understood that the tenants vacated the unit on or about November 12, 2009, and did not inform the landlord of their forwarding address.

The total amount of rent that currently remains outstanding is \$720.00, as follows:
October 2009: \$20.00, and November 2009: \$700.00.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord and the landlord's agents, I find that the tenants were served by way of registered mail with a 1 month notice to end tenancy for cause dated September 4, 2009. The tenants did not dispute the notice by filing an application for dispute resolution within 10 days of their receipt of the notice. The tenants are therefore conclusively presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord is entitled to an order of possession.

The landlord has not applied for a monetary order as compensation for damage or loss under the Act, regulation or tenancy agreement. However, as the landlord has established entitlement to compensation for unpaid rent in the amount of \$720.00, in addition to recovery of the \$50.00 filing fee, I order that the landlord retain the full security deposit of \$350.00. The landlord has the option of making a separate application for a monetary order as compensation for the balance of unpaid rent / loss of rental income, as well as costs associated with any cleaning and repairs which may be required in the unit.

Conclusion

Pursuant to all of the above, 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 order that the landlord retain the full security deposit of **\$350.00**.

DATE: November 18, 2009

Dispute Resolution Officer