



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an order of possession, a monetary order for unpaid rent and an order to recover the filing fee for the Application.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail, sent on June 23, 2010, and deemed served under the Act five days later, the Tenants did not appear. I find the Tenants have been duly served under the Act.

An Agent for the Landlord appeared, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Issue(s) to be Decided

Have the Tenants breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

### Background and Evidence

Based on the testimony of the Agent for the Landlord, I find that the Tenants were served with a Notice to End Tenancy for non-payment of rent on May 13, 2010, by posting on the door. The Notice informed the Tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenants had five days to dispute the Notice.

The Landlord has not been paid rent and there is no evidence the Tenants filed to dispute the Notice within the required time frames.

Analysis

Based on the above, the uncontradicted testimony and evidence, and on a balance of probabilities, I find as follows:

The Tenants have not paid outstanding rent and did not apply to dispute the Notice and 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.

I find that the Landlord is entitled to an order of possession effective **at 1:00 p.m. on August 18, 2010**. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the Tenants have also not paid rent for July and August, since the Application was filed, and the Landlord will suffer a loss of rent for those two months. Therefore, under section 64 of the Act I allow the Landlord's claim to be amended to include two additional months of rent.

Therefore, I find that the Landlord has established a total monetary claim of **\$7,750.00** comprised of \$4,800.00 in rents due to June and \$2,900.00 for rents due in July and August of 2010, and the \$50.00 fee paid by the Landlord for this application.

I grant and issue the Landlord an order under section 67 for the balance due of **\$7,750.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 16, 2010.

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Dispute Resolution Officer