

## **Decision**

**Dispute Codes:** OPR, MNR, MNDC, FF

### **Introduction**

This hearing dealt with an application by the landlord(s) for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, regulation or tenancy agreement / and recovery of the filing fee. The landlord 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(s) are entitled to any or all of the above under the Act, regulation or tenancy agreement

### **Background and Evidence**

There is no copy of a written tenancy agreement in evidence for this month-to-month tenancy which began on July 1, 2009. Rent in the amount of \$650.00 is payable in advance on the first day of each month.

Arising from rent which remained overdue for June and July, 2010, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 5, 2010. The notice was served by posting on the tenants' door on that same date. Subsequently, the tenants have made no payments toward rent and, while they are thought to have vacated the unit on or about September 20, 2010, some of their belongings appear to remain in the unit.

## **Analysis**

The full text of the Act, regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca/](http://www.rto.gov.bc.ca/)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated July 5, 2010. 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. Accordingly, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$2,800.00. This is comprised as follows:

\$150.00: *unpaid rent for June 2010*

\$650.00: *unpaid rent for July 2010*

\$650.00: *unpaid rent for August 2010*

\$650.00: *unpaid rent for September 2010*

\$650.00: *loss of rental income for October 2010*

\$50.00: *filing fee*

Total: \$2,800.00

## **Conclusion**

I hereby issue an **order of possession** in favour of the landlord(s) 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord(s) in the amount of **\$2,800.00**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court and enforced as an order of that Court.

DATE: September 30, 2010

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Dispute Resolution Officer