



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The landlord has also requested recovery of the \$50.00 filing fee from the tenant(s). The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail on October 8, 2010. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The tenancy began on or about May 1, 2010 and this is a fixed term tenancy that ends April 30, 2011. Rent in the amount of \$800.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant(s) a security deposit in the amount of \$400.00. The agent stated in her affirmed testimony that the tenant(s) failed to pay rent in the month(s) of September and October 2010 and on October 9, 2010 the landlord served the tenant(s) with a notice to end tenancy. The tenant(s) further failed to pay monies owed for late rent payments and NSF cheque bank charges.

### Analysis

Based on the documentary evidence and testimony I find that the tenant(s) were properly served with a notice to end tenancy for non-payment of rent. The tenant(s) did not pay the outstanding rent within 5 days of receiving the notice and did not apply for



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dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts 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 monetary claim for \$1725.00 in unpaid rent, late fees and NSF bank charges. The landlord is also entitled to recovery of the \$50.00 filing fee.

## Conclusion

I hereby grant the Landlord an **Order of Possession**, effective **2 days** after service of the Order upon the Tenant(s). This Order must be served on the Tenant(s) and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a claim for \$1600.00 in unpaid rent and \$125.00 in late fees and NSF bank charges. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the Tenant's security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of \$1375.00.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1375.00**. If the amount is not paid by the tenant(s), the order may be filed in the Provincial (Small Claims) Court of British Columbia 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: October 25, 2010

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Dispute Resolution Officer