



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      OPL, MNR, FF

### Introduction

This was an application by the landlord for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord was represented by its resident manager. The tenants did not participate in the conference call hearing although they were served with the application for dispute resolution and Notice of Hearing by registered mail sent on September 3, 2010.

### Issues(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order and if so in what amount?

### Background and Evidence

The tenancy began May 1, 2008. The current monthly rent is \$645.00, payable on the first of each month. The tenants paid a security deposit of \$315.00 on April 30, 2008.

Based on the testimony of the landlord's representative, given under solemn affirmation I find that the tenants were personally served with a one month Notice to End Tenancy for cause on July 28, 2010. The tenants have not applied for to dispute the Notice and they are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. The tenant, JCF also agreed in writing that he would vacate the rental unit by August 31, 2010 but he has not done so. Based on the above facts I find that the landlord is entitled to an order for possession effective two days after

service on the tenant. This order may be filed in the Supreme Court and enforced as an Order of that Court.

The landlord's representative testified that the tenants failed to pay rent for the months of August, September and October. The current rent outstanding is the sum of \$1,935.00. The landlord received two provincial government cheques payable to the landlord on September 3, 2010. Each of the cheques was in the amount of \$375.00. The landlord received a third cheque in the amount of \$645.00 on September 22, 2010. The landlord continues to hold the said cheques and has not negotiated any of them. I find that the landlord has established a claim for unpaid rent totalling \$1,935.00 for said months. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$1,985.00. The landlord may negotiate the cheques totalling \$1,395.00 that it holds, leaving an amount of \$590.00 outstanding. I order that the landlord retain the deposit and interest of \$318.18 in partial satisfaction of the said amount and I grant the landlord an order under section 67 for the balance due of \$271.82. This order may be filed in the Small Claims Court and enforced as an order of that Court.