



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 to obtain an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee. The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. 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 any of the above under the Act.

Summary of Background and Evidence

This tenancy started December, 2005 with rent of \$790.0 and current rent is \$918.19; the tenants paid a security deposit of \$395.00. On October 12, 2010 the landlord served the tenants with a Notice to End Tenancy for Unpaid Rent.

The landlord's agent testified that the tenants had been paying rent by electronic deposit but that the rent payments for September 2010, \$918.19 and November 2010, \$918.19 were returned by the bank as NSF. The tenants currently owes \$1836.38 in rent and \$50.00 in bank charges for a total of \$1886.38.

The tenants still occupy the rental unit and have made no efforts to pay the rent that is due, the landlord has asked for an order of possession effective 2 days after service on the tenants.

Analysis

Based on the documentary evidence and testimony I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and is therefore conclusively presumed to have



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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 claim for \$1836.38 in unpaid rent and \$50.00 in 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 and all occupants. This Order must be served on the Tenant 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 monetary claim for \$1886.38. 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 \$395.00 security deposit in partial satisfaction of the claim and I grant the landlord an monetary order under section 67 for the balance due of \$1541.38 ($\$1886.38 + \$50.00 = \$1936.38 - \$395.00 = \1541.38)

Pursuant to section 67 of the Act, I hereby issue a monetary order in favour of the landlord in the amount of **\$1541.38**. If the amount is not paid by the tenant, 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: November 22, 2010

Dispute Resolution Officer