



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing was convened by way of conference call this date to deal with the landlord's application for an Order of Possession for unpaid rent or utilities and for a monetary order for unpaid rent or utilities. An agent attended for the landlord, however, despite each tenant being served with the Landlord's Application for Dispute Resolution and notice of hearing documents personally on September 29, 2010, neither of the tenants attended the conference call hearing. The landlord's agent gave affirmed testimony and provided evidence in advance of the hearing.

All evidence and testimony provided has been reviewed and is considered in this Decision.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent or utilities?

Is the landlord entitled to a monetary order for unpaid rent or utilities?

Background and Evidence

This month-to-month tenancy began on July 27, 2010. Rent in the amount of \$750.00 is payable in advance on the 27th day of each month. At the outset of the tenancy the landlord collected a security deposit from the tenants in the amount of \$375.00.

The landlord's agent testified that the tenants paid \$375.00 for rent for the month of July 27 to August 26, 2010. The tenants also paid half of the rent for the month of August 27

to September 26, 2010, and on September 20, 2010 the landlord posted a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities to the door of the rental unit. He again served the female tenant on September 21, 2010 by handing a copy of the notice to her personally.

The tenants further failed to pay rent in full for the month of September 27 to October 26, 2010, paying only half of the rental amount. The landlord is claiming \$375.00 in unpaid rent for each of the months of August, September, October and \$750.00 for November, 2010, for a total of \$1,875.00.

Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent and have not applied for dispute resolution to dispute the notice and are 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 claim for \$1,875.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee and I grant the landlord an order under section 67 for the balance due of \$1,925.00.

The landlord has not applied to retain the security deposit in partial satisfaction of the claim.

Conclusion

I hereby grant the landlord an Order of Possession. The tenants must be served with the Order of Possession. 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.

I also order that the landlord recover from the tenants the amount of \$1,925.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I further order that the landlord comply with Section 38 of the *Residential Tenancy Act* as it relates to the return of the security deposit currently held in trust.

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 01, 2010.

Dispute Resolution Officer