



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This conference call hearing was convened in response to the landlord's application for an Order of Possession, a Monetary Order for unpaid rent, and to recover the filing fees associated with this application.

The landlord participated in the hearing and provided affirmed testimony of personal service of the Notice of Dispute Resolution to the tenants on December 17<sup>th</sup>, 2010. The tenants did not participate and the hearing proceeded in the tenants' absence.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and for what amount?

### Background and Evidence

The rental unit consists of a two bedroom basement suite in a single family home located in Mission. The month to month tenancy, based on a verbal agreement only, started on September 3<sup>rd</sup>, 2010 at a rate of \$750.00 payable on the first of each month. The tenant paid a security deposit in the amount of \$375.00.

The landlord testified that tenant G.O. said that he was on welfare and had no money to pay the rent. The landlord said that he offered G.O. a job but that G.O. does not want to work. The landlord stated that G.O. first told him that he could not get rid of him until the summer, and now is telling him that he will move out.

The landlord submitted an updated monetary claim for the following:

- Late and unpaid rent for September 2010: \$ 550.00
- Unpaid rent for October 2010: \$ 350.00
- Unpaid rent for November 2010: \$ 750.00
- Unpaid rent for December 2010: \$ 75.00
- Unpaid rent for January 2011: \$ 750.00
- Sub-Total: \$2475.00
- Less tenant's security deposit: \$ 375.00
- Balance owing: \$2100.00

## Analysis

I accept the landlord's undisputed testimony that he served the tenants with the Notice of Dispute Resolution in a proper manner pursuant to the *Residential Tenancy Act*. I find that the tenants knew, or ought to have had knowledge of the date scheduled for this hearing.

Section 47(5) of the *Residential Tenancy Act* provides that if a tenant who has received a Notice to End Tenancy with cause does not make an application for dispute resolution within 10 days, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. The tenant in this matter has not filed an application for dispute resolution. Accordingly, I find that the landlord is entitled to an Order of Possession effective two days from the date the order is served upon the tenant.

I also accept the landlord's undisputed evidence regarding the unpaid rent and I find that the landlord is entitled to a monetary claim for the full amount.



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## Conclusion

I grant the landlord an Order of Possession effective two days from the date the order is served upon the tenants.

This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

The landlord has established a claim in the amount of \$2475.00. Pursuant to Section 67 of the Act, I authorize the landlord to retain the tenants' \$375.00 security deposit for a balance of \$2100.00. Since the landlord was successful, I also award the landlord recovery of the \$50.00 filing fee for a monetary order totalling \$2150.00.

This Order may be registered in the Small Claims Court 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: January 10, 2011.

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Residential Tenancy Branch