



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on February 9, the tenants did not participate in the conference call hearing.

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 unpaid utilities?

Background and Evidence

The undisputed testimony of the landlord's agent is as follows. Rent in the amount of \$975.00 is payable in advance on the first day of each month. The tenants' rent is paid directly by the Ministry of Income and Employment Assistance (the "Ministry"). In February 2011, the Ministry sent to the landlord \$375.00 on behalf of the tenant R.E. but sent no money on behalf of the tenant R.M. On February 3, 2011 the landlord personally served the tenants with a 10-day notice to end tenancy for unpaid rent.

The landlord's agent stated that the \$375.00 cheque has not yet been negotiated. The tenants failed to pay utilities totalling \$734.63.

Analysis

I accept the undisputed testimony of the landlord's agent and I find that the tenants were 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 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. The tenants must be served with the order of possession. Should the tenant 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.

As for the monetary claim, I find that the tenants failed to pay \$650.00 of the rent owing for the month of February 2011. I find that the landlord is entitled to recover those arrears and I award the landlord \$650.00. I find that the tenants had accrued \$734.63 in unpaid utilities and I award the landlord that sum. The landlord is also entitled to recovery of the \$50.00 filing fee which I award to him. I grant the landlord an order under section 67 for a total of \$1,434.63. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$1,434.63.

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: February 21, 2011

Residential Tenancy Branch