



Dispute Resolution Services

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on March 12, the tenants did not participate in the conference call hearing.

The landlord had originally applied for an award for loss of income for the month of April in the event the tenants did not vacate the rental unit. At the outset of the hearing the landlord advised that this claim should be dismissed with leave to reapply as she did not yet know whether there would be any actual loss realized. That part of the claim is dismissed with leave to reapply.

Issues to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

The landlord's undisputed testimony is as follows. The tenancy began on or about January 1, 2007. Rent in the amount of \$920.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenants a security deposit in the amount of \$437.50. The tenants failed to pay rent in the month of March and on March 2 the landlord served the tenants with a notice to end tenancy by posting the notice on the door of the rental unit.

Analysis

I accept the landlord's undisputed testimony 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 tenant

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 order, I find that the tenants failed to pay rent in the month of March. I find that the landlord has established a claim for \$920.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$437.50 security deposit and the \$13.34 in interest which has accrued to the date of this judgment in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$519.16. 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 \$519.16. The landlord may retain the security deposit.

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: March 30, 2011

Residential Tenancy Branch