

## **Decision**

**Dispute Codes:** OPR, MNR, FF

### **Introduction**

This hearing dealt with an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. One of the landlords participated in the hearing and gave affirmed testimony.

The landlord testified that the application for dispute resolution and notice of hearing (the “hearing package”) was served in person on the tenants on March 11, 2011. Despite this, neither tenant appeared at the hearing.

### **Issues to be decided**

- Whether the landlords are entitled to any or all of the above under the Act

### **Background and Evidence**

There is no written tenancy agreement in evidence for the month-to-month tenancy which began on or about June 1, 2004. Currently, monthly rent of \$1,000.00 is due in advance on the first day of each month. A security deposit of \$287.50 was collected at the start of tenancy.

Arising from rent which remained unpaid when due on March 1, 2011, the landlords issued a 10 day notice to end tenancy for unpaid rent dated March 2, 2011. The notice was served in person on the tenants on March 3, 2011. A copy of the notice was submitted into evidence. Subsequently, the tenants have made no further payment toward rent and they continue to reside in the unit.

### **Analysis**

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord present at the hearing, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated March 2, 2011. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlords are entitled to an order of possession.

As for the monetary order, I find that the landlords have established a claim of \$4,510.12, which is comprised as follows:

\$460.12: unpaid rent for November 2010;

\$4,000.00: unpaid rent combined for December 2010, January / February / March 2011 (4 x \$1,000.00);

\$50.00: filing fee

The landlords have not applied to retain the security deposit.

### **Conclusion**

I hereby issue an **order of possession** in favour of the landlords effective **two (2) days** after service upon the tenants. This order must be served on the tenants. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$4,510.12**. Should it be necessary, this order may be served on the tenants, filed 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*.

DATE: March 30, 2011

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Residential Tenancy Branch