



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlords for an order of possession, a monetary order, an order to retain the security deposit in partial satisfaction of the claim and to recover the filing fee for the Application.

One of the Landlords appeared at the hearing, gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Although served with the Application for Dispute Resolution and Notice of Hearing by posting on the door, which was witnessed on February 23, 2011, the Tenant did not appear. Under the Act the Tenant was deemed served with the Notice of Hearing and Application on February 26, 2011. I find that the Tenant was duly served in accordance with the Act.

### Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlords to an Order of Possession and monetary relief?

### Background and Evidence

Based on the affirmed testimony of the Landlord, I find that the Tenant was served with a 10 day Notice to End Tenancy for non-payment of rent on February 10, 2011, by posting on the door, which was witnessed.

The Notice informed the Tenant that the Notice would be cancelled if the rent was paid within five days. The Notice also explains the Tenant had five days to dispute the Notice.

There is no evidence that the Tenant paid the rent or applied for Dispute Resolution to dispute the Notice.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I find the Tenant has breached the Act and tenancy agreement by not paying the rent when due. Furthermore, the Tenant did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

I find that the Landlords are entitled to an order of possession effective **two days** after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the Landlords have established a total monetary claim of **\$1,550.00**, comprised of \$500.00 in rent for each of January, February and March of 2011 and the \$50.00 fee paid by the Landlords for this application.

I order that the Landlords retain the deposit **\$250.00** in partial satisfaction of the claim and I grant the Landlords an order under section 67 for the balance due of **\$1,300.00**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Dated: March 11, 2011.

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Residential Tenancy Branch