



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## Decision

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

### Introduction

This hearing dealt with the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord attended the hearing and gave affirmed testimony.

Despite mailing of the application for dispute resolution and notice of hearing to the tenants by way of registered mail, the tenants did not appear. Included in the landlord's evidence is the Canada Post tracking number for the registered mailing.

### Issues to be decided

- Whether the landlord is entitled to any or all of the above under the Act, regulation or tenancy agreement

### Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on December 1, 2010. Monthly rent is \$600.00, and a security deposit of \$300.00 was collected.

Arising from rent which was unpaid when due on March 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent dated March 2, 2011. The notice was served by way of posting on the tenants' door, and a copy of the notice was submitted into evidence. Subsequently, while the tenants filed an application to dispute the notice and undertook to pay the outstanding rent, no such payment was forthcoming and the tenants continue to reside in the unit.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, 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. As earlier stated, while the tenants applied to dispute the

notice, they failed to pay the outstanding rent as they assured the landlord they would, and they continue to reside in the unit. In the result, I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$1,250.00. This is comprised of \$600.00 in unpaid rent for March 2011, \$600.00 in unpaid rent for April 2011, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$300.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$950.00 (\$1,250.00 - \$300.00).

### **Conclusion**

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on 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 landlord in the amount of **\$950.00**. 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: April 11, 2011

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Residential Tenancy Branch