



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: OPR, MNR, FF

Introduction

This hearing dealt with the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord participated in 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. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mailings.

Issues to be decided

- Whether the landlord is entitled to any of the above under the Act

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on February 1, 2005. Monthly rent is \$828.63, and is due and payable on the first day of each month. A security deposit of \$375.00 was collected at the outset of tenancy.

As for May's rent, no payment was made until May 9 in the limited amount of \$100.00. As a result, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 10, 2011. The notice was served on the tenants by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking numbers for the registered mailing. Subsequently, the tenants made a payment of \$200.00 on May 11, leaving the balance owing for May of \$528.63 (\$828.63 - \$300.00).

As for June's rent, payments were limited to \$200.00 on June 1, and \$300.00 on June 8, leaving a balance owing for June of \$328.63 (\$828.63 - \$500.00).

The landlord testified that the tenants continue to reside in the unit.

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca/

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 May 10, 2011. The tenants did not pay the full amount of 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 landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$1,321.58. This is comprised of \$528.63 in unpaid rent for May, \$328.63 in unpaid rent for June, \$414.32 in loss of rental income for the period presently limited to July 1 to 15, 2011, in addition to the \$50.00 filing fee.

The landlord has not currently applied to retain the security deposit.

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 \$1,321.58. 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: June 27, 2011

Residential Tenancy Branch