



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by registered mail. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began January 5, 2010 with monthly rent of \$1650.00 and the tenants paid a security deposit of \$825.00. On June 17, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants owe a \$25.00 NSF charge for May 2011, \$1650.00 rent for June 2011 and \$1650.00 rent for July 2011 for a total of \$3325.00 owing the landlord. The landlord stated that the building manager advised them that the tenants vacated the rental unit on July 11, 2011. Shortly after the tenants vacated the landlord received a phone call from a friend of the tenants stating he had the keys and the landlord could come pick them up. The landlord believes that the tenants may have returned to China as they currently cannot locate the tenants. The landlord stated that the tenants left the rental unit very dirty and full of trash and the landlord would like to leave the security deposit in place and make a future claim against it.

The landlord in this application is seeking \$3325.00 compensation for unpaid rent but no longer requires an order of possession for the rental unit.

Analysis

Based on the documentary evidence and testimony I find that the tenants were properly 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 is 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 a monetary order for unpaid rent.

As the tenants have vacated the rental unit the landlord no longer requires an order of possession and this portion of their application is hereby dismissed.

Accordingly I find that the landlord is entitled to a monetary order for \$3325.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I find that the landlord has established a monetary claim for \$3725.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$3775.00**.

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: August 3, 2011.

Residential Tenancy Branch