



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. One landlord and one tenant participated in the teleconference hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on April 1, 2011. Rent in the amount of \$1650 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$800. The tenants are responsible for two-thirds of the utilities. The landlord's testimony was that she served the tenants with copies of utility bills and requested that the tenants pay \$133.26. The tenants did not pay the outstanding utilities, and they failed to pay rent in the month of July 2011. On July 13, 2011 the landlord served the tenants with a notice to end tenancy for non-payment of rent and utilities. The tenants further failed to pay rent in the month of August 2011.

The tenant acknowledged that they had not paid rent for July or August 2011, but she could not confirm whether her husband had received copies of the utilities bills.

Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent and utilities. The tenants have not paid the outstanding rent or utilities and have not applied for dispute resolution to dispute the notice and are 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 an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$3300 in unpaid rent and \$133.26 for unpaid utilities. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant 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.

The landlord is entitled to \$3483.26. I order that the landlord retain the security deposit of \$800 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2683.26. This order may be 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*.

Dated: August 5, 2011.

Residential Tenancy Branch