



Dispute Resolution Services

Page: 1

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 tenant and an agent for the landlord 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 January 15, 2011. Rent in the amount of \$500 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 \$250. The tenants failed to pay rent in the month of August 2011 and on August 5, 2011 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of September 2011.

The tenant acknowledged that they received the notice to end tenancy, and that they then attempted, some time in August, to pay the landlord the rent, but he refused to accept it. The tenants took steps to file an application to cancel the notice to end tenancy, but the application was terminated.

The landlord stated that the tenants did not attempt to pay the rent until August 24, 2011.

Analysis

Based on the evidence I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid the outstanding rent within five days of having received the notice and did not complete their application for dispute resolution to dispute the notice. The tenants 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 \$1000 in unpaid rent and lost revenue for August and September 2011. 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 tenants must be served with the order of possession. 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.

The landlord is entitled to \$1050. I order that the landlord retain the security deposit of \$250 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$800. 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: September 14, 2011.

Residential Tenancy Branch