



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD

Introduction

This matter was originally conducted by way of Direct Request proceeding. The landlord applied for an order of possession and a monetary order for unpaid rent. The Dispute Resolution Officer who conducted the Direct Request proceeding was not satisfied that there was sufficient evidence to determine proper service of the notice to end tenancy or the amount of outstanding rent, and therefore ordered the matter to be conducted by way of teleconference hearing. I was assigned and conducted a teleconference hearing on this application.

Despite having been personally served with the notice of reconvened hearing on August 24, 2011, the tenants did not participate in the conference call 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 October 15, 2009. Rent in the amount of \$715 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 tenants in the amount of \$350. The tenants failed to pay rent in the month of August 2011, and on August 2, 2011 the landlord served the notice to end tenancy for non-payment of rent on the tenant's adult daughter, who was temporarily residing with the tenant. The tenants further failed to pay rent in the month of September 2011.

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. The tenant has not paid the outstanding rent and has not applied 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 an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$1430.

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 \$1430 in unpaid rent and lost revenue. I order that the landlord retain the security deposit of \$350 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1080. 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 22, 2011.

Residential Tenancy Branch