



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on September 27, the tenants did not participate in the conference call hearing.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The landlord's undisputed evidence is as follows. The tenants were obligated to pay \$1,671.00 in rent in advance on the first day of each month. The tenants failed to pay \$381.00 of their rent in the month of September as well as a late payment fee pursuant to the terms of the tenancy agreement. On September 2 the landlord served the tenants with a notice to end tenancy by registered mail.

The landlord's agent testified that since she made her application on September 23, the tenants had paid arrears for September and made a partial payment for rent owing for the month of October, which was accepted for use and occupancy only, leaving a balance of \$271.00. The landlord seeks a monetary order for the balance of October's rent, recovery of the \$50.00 filing fee and an order of possession.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants did not pay all the rent owing on September 1 and on September 7 are deemed to have received the 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 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. 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.

As for the monetary order, I find that the landlord is entitled to recover the \$271.00 in arrears as well as the \$50.00 filing fee paid to bring this application. I grant the landlord an order under section 67 for \$321.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$321.00.

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: October 25, 2011

Residential Tenancy Branch