



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR, MNSD, 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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on October 7, the tenants did not participate in the conference call hearing. The landlord testified that the tenants had failed to claim the registered mail at the post office. The tenants cannot avoid service by failing to claim registered mail and as I found that they had been properly served, the hearing proceeded in their absence.

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 testimony is as follows. On September 15, 2011 the tenants were served with a one month notice to end tenancy for cause by the notice having been posted on the door of the rental unit. The tenants failed to pay \$225.00 of the rent due for the month of October.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants were served with a notice to end tenancy for cause. The tenants 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 \$225.00 in unpaid rent for the month of October as well as the \$50.00 filing fee paid to bring this application. The landlord currently holds a \$375.00 security deposit. I order that the landlord retain \$275.00 from the security deposit in full satisfaction of his claim. The

remaining \$100.00 of the security deposit should be dealt with in accordance with the provisions of the Act.

Conclusion

The landlord is granted an order of possession and may retain \$275.00 from the security deposit.

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 31, 2011

Residential Tenancy Branch