



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. The landlord, a translator for the landlord and both tenants attended the teleconference hearing.

Only the evidence relevant to the issues and findings in this matter are described in this decision.

### 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 monthly rent for the unit is \$1300. The tenants failed to pay rent for September 2011 and on September 23, 2011 the landlord served the tenants by registered mail with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent for the month of October 2011.

The tenants acknowledged having received the notice to end tenancy for unpaid rent, and they acknowledged withholding the rent due to plumbing issues in the rental unit. The tenants did not apply to dispute the notice to end tenancy.

### Analysis

I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent 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 \$2600 in unpaid rent. 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.

I grant the landlord an order under section 67 for the balance due of \$2650. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I note that the landlord continues to hold the security deposit and must deal with it in accordance with the Act.

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.

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Residential Tenancy Branch