



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing in person. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This tenancy began July 2011 with monthly rent of \$750.00 and the tenants paid a security deposit of \$375.00.

On September 17, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent; the tenants have not filed to dispute this notice.

The landlord testified that the tenants have not paid the rent for September, October or November 2011 and owe the landlord \$2250.00 in unpaid rent. The landlord stated that the tenants had agreed to vacate in August 2011 when they were short rent and the landlord had agreed to use the tenant's security deposit to cover the unpaid portion of the August 2011 rent.

The landlord stated that the tenants finally vacated the rental unit sometime in early November and that at this time the landlord has no forwarding address for the tenants. The landlord stated that the tenants left the rental unit very dirt and full of discarded

items. As the tenants have vacated the rental unit the landlord no longer requires an order of possession and this portion of the landlord's application has been withdrawn.

The landlord in this application is seeking a monetary order for \$750.00 in unpaid rent.

### Analysis

Based on the documentary evidence and testimony I find that the tenant was properly served with a notice to end tenancy for non-payment of rent. The tenant 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 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 monetary order for unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$750.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

### Conclusion

I find that the landlord has established a monetary claim for \$750.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the full amount of **\$800.00**.

If the amount is not paid by the tenant(s), the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: November 17, 2011.

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Residential Tenancy Branch