



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR

Introduction

This hearing dealt with an application by the landlords for an order of possession and a monetary order. Despite having been personally served with the application for dispute resolution and notice of hearing on November 25, 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 landlords' undisputed evidence is as follows. The tenancy began in October 2011. Rent in the amount of \$550.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlords collected from the tenants a security deposit in the amount of \$250.00. The tenants failed to pay rent in the month of November and on November 14 the landlords served the tenants with a notice to end tenancy by posting the notice to the door of the rental unit. The tenants further failed to pay rent in the month of December.

Analysis

I accept the landlords' undisputed testimony and I find that the tenants did not pay rent for the month of November and on November 14 were served with a 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 landlords are 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 landlords are entitled to recover the unpaid rent for the month of November and \$550.00 in lost income for the month of December as I find it unlikely that the landlords will be able to secure a new tenant before the end of the month. I order that the landlords retain the \$250.00 security deposit in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$850.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlords are granted an order of possession and a monetary order for \$850.00. The landlords may retain 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: December 08, 2011

Residential Tenancy Branch