



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing was scheduled in response to an application by the landlord for an order of possession / a monetary order as compensation for unpaid rent or utilities / retention of the security deposit / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony. Despite in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on December 13, 2011, the tenants did not attend the hearing.

Issue(s) to be Decided

Whether the landlord is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, a copy of which is not in evidence, the month-to-month tenancy began on October 1, 2011. Monthly rent of \$695.00 is payable in advance on the first day of each month, and a security deposit of \$347.50 was collected.

Arising from rent which was unpaid when due on December 1, 2011, the landlord issued a 10 day notice to end tenancy for unpaid rent or utilities dated December 2, 2011. The notice was posted on the tenants' door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward rent and vacated the unit on January 1, 2012, without providing the landlord with a forwarding address.

Analysis

Based on the affirmed and undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent or utilities dated

December 2, 2011. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, 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 of \$745.00. This is comprised of \$695.00 in unpaid rent for December 2011, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$347.50 and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$397.50 (\$745.00 - \$347.50).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$397.50**. Should it be necessary, this order may be served on the tenants, filed in the Small Claims Court 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: January 03, 2012.

Residential Tenancy Branch