



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee.

The landlords participated in the hearing and gave affirmed testimony. Despite being served by registered mail with the application for dispute resolution and the notice of hearing (the “hearing package”) the tenant did not appear. Evidence submitted by the landlords includes the Canada Post tracking number for the registered mail.

Issue(s) to be Decided

Whether the landlords are entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the month-to-month tenancy began on May 1, 2011. Monthly rent of \$675.00 is payable on the first day of each month, and a security deposit of \$330.00 was collected.

Arising from rent which remained overdue on December 1, 2011, the landlords issued a 10 day notice to end tenancy for unpaid rent dated December 14, 2011. The notice was served by way of posting on the tenant’s door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenant has made no further payment toward rent and she continues to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlords, I find that the tenant was served with a 10 day notice to end tenancy for

unpaid rent dated December 14, 2011. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is 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 landlords are entitled to an order of possession.

As for the monetary order, I find that the landlords have established a claim of \$2,075.00. This is comprised as follows:

\$2,025.00: unpaid rent for November & December 2011 and January 2012 (3 x \$675.00);

\$ 50.00: *filing fee*.

I order that the landlords retain the security deposit of \$330.00, and I grant the landlords a monetary order for the balance owed of \$1,745.00 (\$2,075.00 - \$330.00).

Conclusion

I hereby issue an order of possession in favour of the landlords effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant 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 landlords in the amount of \$1,745.00. This order may be served on the tenant, 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 31, 2012.

Residential Tenancy Branch