



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on November 10, 2011, the tenants did not participate in the conference call hearing.

### 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 tenancy began on April 15, 2011. Rent in the amount of \$1900 is payable in advance on the 15th day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$950. The tenants failed to pay \$1000 of their rent for June 2011, and made no further rent payments after that date. The tenants also failed to pay any of their utilities from the beginning of the tenancy. On October 25, 2011 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of November 2011. The landlord has claimed \$8600 in unpaid rent from June 15, 2011 to October 15, 2011; lost revenue of \$1900 for the month of November 15 to December 14, 2011; and \$1491.23 in unpaid utilities.

### Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants have not paid 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 is entitled to their monetary claim in its entirety. The landlord is also entitled to recovery of the \$100 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.

The landlord is entitled to \$12,091.23. I order that the landlord retain the security deposit of \$950 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$11,141.23. This order may be 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: November 25, 2011.

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Residential Tenancy Branch