



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. An agent for the landlord and one of the two tenants participated in the teleconference hearing.

I have reviewed all evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this decision.

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 June 1, 2011. Rent in the amount of \$2500 is payable in advance on the first day of each month. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$1250 and a pet deposit of \$1250. The tenants failed to pay rent in the month of December 2011 and on December 21, 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 January 2012. The tenant did not dispute these facts.

In the hearing, the landlord requested amendments to their application to include unpaid rent for January 2012, but withdraw the amount of \$25 claimed for a late fee, as the landlord had only paid a \$50 filing fee for a monetary claim under \$5000.

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 accept the landlord's requested amendments. I find that the landlord is entitled to the amended claim of \$5000, for unpaid rent and lost revenue for December 2011 and January 2012.

As the landlord's application was successful, they are entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. 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.

The landlord is entitled to \$5050. I order that the landlord retain the security and pet deposits of \$2500 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2550. 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: January 19, 2012.

Residential Tenancy Branch