



# 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 the landlords' application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. The landlord's request during the hearing to amend the application to include application to retain the security deposit was granted.

Despite service by registered mail of the application for dispute resolution and notice of hearing (the "hearing package") the tenants did not appear. Evidence submitted by the landlords includes the Canada Post tracking numbers 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 fixed term of tenancy is from "July 2011 to July 2012." Monthly rent of \$950.00 is payable in advance on the first day of each month, and a security deposit of \$475.00 was collected. Arising from unpaid rent for December 2011 and January 2012, the landlords issued a 10 day notice to end tenancy for unpaid rent dated January 9, 2012. The notice was served by posting 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 during January 31 and February 1, 2012. The landlord testified that refuse and discarded belongings were left in the unit, and that no forwarding address was provided.

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated January 9, 2012. 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 landlords have established entitlement to an order of possession.

As for the monetary order, I find that the landlords have established a claim of \$2,025.00, which is comprised as follows:

\$550.00: unpaid rent for December 2011

\$950.00: unpaid rent for January 2012

\$475.00: loss of rental income for the period February 1 to 15, 2012

\$ 50.00: filing fee

I order that the landlords retain the security deposit of \$475.00, and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$1,550.00 (\$2,025.00 - \$475.00).

### Conclusion

I hereby issue an order of possession in favour of the landlords effective no 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 landlords in the amount of \$1,550.00. 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: February 10, 2012.

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Residential Tenancy Branch