



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 landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony. Despite being served by way of registered mail with the application for dispute resolution and notice of hearing (the "hearing package"), the tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail.

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

A copy of the written tenancy agreement submitted in evidence shows that monthly rent is \$1,150.00, and that a security deposit of \$575.00 was collected. The landlord testified that the month-to-month tenancy began on December 1, 2011.

Arising from rent which remained unpaid when due on February 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated February 3, 2012. The notice was served in person on the tenants on that same date. A copy of the notice was submitted in evidence. Thereafter, the tenants made no further payment toward rent, vacated the unit on a date unknown to the landlord, and provided no forwarding address. The landlord testified that he still wishes to obtain an order of possession.

Analysis

Based on the documentary evidence and 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 February 3, 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 landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim of \$1,200.00. This amount is comprised of \$1,150.00 in unpaid rent for February 2012, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$575.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$625.00 (\$1,200.00 - \$575.00).

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 \$625.00. 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 28, 2012.

Residential Tenancy Branch