



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MNSD, FF

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 February 29, 2012, the tenants did not participate in the conference call hearing.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The landlord's undisputed testimony is as follows. Rent in the amount of \$1,900.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenants a security deposit in the amount of \$1,200.00. The tenants failed to pay rent in the month of February 2012 and on February 11 the landlord served the tenants with a notice to end tenancy by posting the notice on the door of the rental unit. The tenants further failed to pay rent in the month of March.

### Analysis

I accept the landlord's undisputed testimony and I find that the tenants did not pay rent for the month of February and on February 11 were served with a notice to end tenancy for non-payment of rent. The tenants are deemed to have received the notice 3 days later on February 14. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply 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. 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.

As for the monetary order, I find that the landlord is entitled to recover the unpaid rent for the month of February, loss of income for the month of March as well as the \$50.00 filing fee paid to bring this application for a total entitlement of \$3,850.00. I order that

the landlord retain the \$1,200.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2,650.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$2,650.00. The landlord may retain the security deposit.

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: March 15, 2012

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Residential Tenancy Branch