



Dispute Resolution Services

Page: 1

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. The landlord, the tenant and an advocate for the tenant participated in the teleconference 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 1, 2011. Rent in the amount of \$1300 is payable in advance on the first day of each month. The landlord also stated that there is an agreement that the tenants will pay a set monthly amount of \$172.90 for utilities. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$650. The tenants failed to pay rent or utilities in the month of February 2012 and on February 4, 2012 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent or utilities in the month of March 2012. The tenants did not dispute these facts.

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 has established a claim for \$2945.80 in unpaid rent and utilities for the months of February 2012 and March 2012.

As the landlord's application was successful, they are also 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 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 \$2995.80. I order that the landlord retain the security deposit of \$650 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$2345.80. 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: March 5, 2012.

Residential Tenancy Branch