



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, MNSD, OPR, 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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on April 5, the tenants did not participate in the conference call hearing.

The landlord had originally claimed \$1,585.00 in rental arrears but prior to the hearing asked to amend their claim to \$1,250.00 in arrears as the tenants had made a partial payment. The landlord's agent proved that she served the tenants with a copy of the amended claim.

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. The tenancy began on or about April 14, 2010 at which time the tenants paid a \$385.00 security deposit. Rent in the amount of \$785.00 is payable in advance on the first day of each month. The tenants accumulated \$800.00 in rental arrears and on February 24, 2012, the landlord personally served the tenants with a notice to end tenancy. The tenants continued to accumulate an additional \$785.00 in arrears, although they made a partial payment of \$385.00 after the landlord filed her application for dispute resolution.

Analysis

I accept the landlord's undisputed testimony and I find that at the time the notice to end tenancy was served, the tenants owed \$800.00 in rent. I find that on February 24, 2012 they were served with a notice to end tenancy for non-payment of rent. 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, it 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 \$1,200.00 in rental arrears as well as the \$50.00 filing fee paid to bring this application. I order that the landlord retain the \$385.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$865.00. 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 \$865.00. The landlord will 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: April 23, 2012

Residential Tenancy Branch