



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's agents 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 tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking numbers 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

Pursuant to a written tenancy agreement, the month-to-month tenancy began on April 1, 2008. Monthly rent is currently \$891.00, and it is payable in advance on the first day of each month. A security deposit of \$425.00 was collected.

Arising from rent which was unpaid for February and March 2012 in the total amount of \$1,782.00 (2 x \$891.00), the landlord issued a 10 day notice to end tenancy dated March 2, 2012. The notice was served by way of 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 the landlord's agents are unable to confirm whether the tenants still reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agents, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated March 2, 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 has established entitlement to an order of possession.

As for the monetary order, I find that the landlord has established entitlement to a claim of \$2,277.50, which is comprised as follows:

\$891.00: unpaid rent for February 2012

\$891.00: unpaid rent for March 2012

\$445.50: unpaid rent for the period from April 1 to 15, 2012 (in view of the landlord's inability to confirm whether or not the tenants still reside in the unit)

\$ 50.00: filing fee

I order that the landlord retain the security deposit of \$425.00 plus interest of \$4.79 (total: \$429.79), and I grant the landlord a monetary order for the balance owed of \$1,847.71 (\$2,277.50 - \$429.79).

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 **\$1,847.71**. Should it be necessary, 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: April 03, 2012.

Residential Tenancy Branch