



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, 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 / compensation for damage or loss under the Act, Regulation or tenancy agreement / and recovery of the filing fee. The landlord's agent 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 numbers for the registered mail, and the Canada Post website confirms that the two packages were both "successfully delivered."

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the year-long fixed term of tenancy is from November 30, 2010 to November 30, 2011. Thereafter, tenancy has continued on a month-to-month basis. Monthly rent of \$1,595.00 is payable in advance on the first day of each month, and a security deposit of \$797.50 was collected. Pursuant to a parking agreement, a fee of \$45.00 is also payable in advance on the first day of each month.

The landlord issued a 10 day notice to end tenancy for unpaid rent 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. The date shown on the notice by when the tenants must vacate the unit is March 12, 2012. Subsequently, the tenants made no further payment toward rent and they continue to reside in the unit.

The particular compensation sought by the landlord is as follows:

\$1,595.00: unpaid rent for March 2012 + \$20.00: fee for late payment of rent
\$45.00: unpaid parking for March 2012

\$1,595.00: unpaid rent for April 2012 + \$20.00: fee for late payment of rent
\$45.00: unpaid parking for April 2012

\$50.00: filing fee.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, 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 is entitled to an order of possession.

As above, I find that the landlord has established a claim of \$3,370.00. Accordingly, pursuant to section 67 of the Act I grant the landlord a monetary order for this amount.

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 \$3,370.00. 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: April 10, 2012.

Residential Tenancy Branch