



Dispute Resolution Services

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. Despite having been served with the application for dispute resolution and notice of hearing by registered mail on April 18, 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. The tenants are obligated to pay \$950.00 in rent 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 \$475.00. The tenant failed to pay \$380.00 of their rent in the month of March 2012 and no rent whatsoever in the month of April and on April 3 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 May.

Analysis

I accept the landlord's undisputed testimony and I find that the tenants did not pay the full amount of their rent for the month of March and paid no rent in April and on April 3 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, 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 months of March and April. I find that the landlord has suffered a loss of income for the first half of the month of May and I award him \$475.00. I dismiss with leave to reapply the claim for lost income for the second half of May in the event the landlord is unable to re-rent the unit. I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application and I award him that sum for a total entitlement of \$1,855.00. I order that the landlord retain the \$475.00 security deposit in partial satisfaction of the claim and I grant him an order under section 67 for the balance due of \$1,380.00. 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 \$1,380.00. 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: May 08, 2012

Residential Tenancy Branch