



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 concerns 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 agent participated in the hearing and gave affirmed testimony. Despite in-person service of the application for dispute resolution and notice of hearing on May 16, 2012, the tenants did not appear.

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

There is no written tenancy agreement in evidence for the tenancy which is understood to have began for tenant "JS" in February 2009, and for tenant "CB" sometime in 2011. Monthly rent of \$720.00 is due and payable in advance on the first day of each month, and a security deposit of \$340.00 was collected.

Arising from rent which remained overdue on May 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated May 9, 2012. The notice was served in person on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made no further payment toward rent. It is understood that while tenant "JS" may have now vacated the unit, tenant "CB" continues to reside there.

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 May 9, 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 \$1,590.00, which is comprised as follows:

\$100.00: unpaid rent for April 2012
\$720.00: unpaid rent for May 2012
\$720.00: unpaid rent for June 2012
\$50.00: filing fee

I order that the landlord retain the security deposit of \$340.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$1,250.00 (\$1,590.00 - \$340.00).

Conclusion

I hereby issue an order of possession in favour of the landlord effective 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 \$1,250.00. 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: June 07, 2012.

Residential Tenancy Branch