



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act"), seeking for an order of possession, a monetary order for unpaid rent and to recover the filing fee.

The landlord appeared and gave affirmed testimony.

The landlord testified that he served each tenant with the Application for Dispute Resolution and Notice of Hearing by registered mail in separate envelopes on May 15, 2012. The landlord supplied testimony of the tracking numbers of the registered mail.

When questioned, the landlord testified that the address used for service of the documents was the dispute address.

I find the tenants were served in a manner complying with section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the tenants' absence.

The landlord was provided the opportunity to present his evidence orally and in documentary form.

**Preliminary Issue**-The landlord stated that the tenants have now vacated the rental unit and that he no longer requires an order of possession. As a result, I have amended the landlord's application, excluding his request for an order of possession.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order for unpaid rent and for recovery of the filing fee?

### Background and Evidence

The landlord testified that this tenancy began on July 1, 2010, monthly rent began at \$790.00, was increased to \$810.00 and a security deposit of \$395.00 was paid by the tenants at the start of the tenancy.

The landlord gave affirmed testimony and supplied evidence that the tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") listing unpaid rent of \$810.00 on May 4, 2012, by posting on the door. The effective vacancy date listed on the Notice was May 14, 2012, which is automatically changed under the Act to May 17, 2012, due to the method of service of the Notice.

The Notice informed the tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explained the tenants had five days to dispute the Notice.

The landlord provided evidence and gave affirmed testimony that the tenants have not made any rent payments since issuance of the Notice and currently owe unpaid rent of \$1620.00 through the date of the hearing.

### Analysis

Based on the above testimony and evidence, and on a balance of probabilities, I find as follows:

I have no evidence before me that the tenants applied to dispute the Notice.

I find the tenants have not paid the outstanding rent and did not apply to dispute the Notice and 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.

### Conclusion

I find that the landlord is entitled to an order of possession effective **two days** after service on the tenants.

I am enclosing the order of possession with the landlord's Decision. This order is a legally binding, final order, and may be filed in the Supreme Court of British Columbia should the tenants fail to comply with this order of possession.

I find that the landlord has established a total monetary claim of \$1670.00 comprised of outstanding rent of \$1620.00 and the \$50.00 filing fee paid by the landlord for this application.

I grant the landlord a monetary order under authority of section 67 of the Act for \$1670.00.

I am enclosing a monetary order for **\$1670.00** with the landlord's Decision. This order is a **final, legally binding order**, and may be filed in the Provincial Court of British Columbia (Small Claims) should the tenants fail to comply with this monetary order.

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 06, 2012.

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Residential Tenancy Branch