



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the *Act*) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67;
- authorization to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary order requested pursuant to section 38; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend this hearing, although I waited until 1:45 p.m. in order to enable them to connect with this teleconference hearing scheduled for 1:30 p.m. The landlord attended the hearing and was given a full opportunity to be heard, to present evidence and to make submissions. The landlord testified that she posted a 10 Day Notice to End Tenancy for Unpaid Rent (the 10 Day Notice) on the tenants' door on May 8, 2012. The landlord testified that she handed the tenants a copy of the landlord's dispute resolution hearing package on May 16, 2012. I am satisfied that the landlord served the above documents to the tenants in accordance with the *Act*.

### Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent? Is the landlord entitled to a monetary award for unpaid rent? Is the landlord entitled to retain all or a portion of the tenants' security deposit in partial satisfaction of the monetary award requested? Is the landlord entitled to recover the filing fee for this application from the tenants?

### Background and Evidence

This periodic tenancy commenced on February 1, 2012. Monthly rent is set at \$850.00, payable in advance on the first of each month. The landlord continues to hold the tenants' \$425.00 security deposit paid on February 1, 2012.

The landlord issued the 10 Day Notice for unpaid rent of \$1,500.00 owing as of May 1, 2012. The landlord provided copies of the 10 Day Notice, as well as 10 Day Notices

issued for unpaid rent of \$1,200.00 for April 2012, and \$350.00 for unpaid rent for March 2012.

The landlord's application for a monetary award of \$1,500.00 was for unpaid rent owing as of May 1, 2012. The landlord testified that the tenants have not made any further payments since the landlord issued the 10 Day Notice. The landlord testified that the tenants have not paid their June 2012 rent. She requested a monetary award for unpaid rent for June 2012 in addition to the amount requested in the original application for dispute resolution.

### Analysis

Based on my review of the rent ledger for this tenancy entered into written evidence by the landlord, I am satisfied that the unpaid rent identified in the 10 Day Notice is accurate. The tenants failed to pay the full amount identified as owing in the 10 Day Notice issued on May 8, 2012 within five days of receiving the 10 Day Notice. The tenants have not made application pursuant to section 46(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenants' failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice. In this case, this required the tenants to vacate the premises by May 21, 2012. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord will be given a formal Order of Possession which must be served on the tenant(s). If the tenants do not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

I issue a monetary award in the landlord's favour in the amount of \$1,500.00 for rent owing as of May 1, 2012 and an additional \$425.00 for June 2012 (i.e., one-half of the monthly rent for June 2012).

I allow the landlord to retain the tenants' security deposit plus applicable interest in partial satisfaction of the monetary award issued in this decision. No interest is payable over this period. I allow the landlord to recover the filing fee for this application from the tenants.

### Conclusion

I provide the landlord with a formal copy of an Order of Possession to take effect within 2 days of the landlord's service of this notice to the tenant(s). Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary Order in the landlord's favour under the following terms which allows the landlord to recover unpaid rent and the filing fee for this application and to retain the tenants' security deposit:

<b>Item</b>	<b>Amount</b>
Unpaid Rent Owing as of May 1, 2012	\$1,500.00
Unpaid June 2012 Rent (one-half of June 2012 Rent)	425.00
Less Security Deposit	-425.00
Recovery of Filing Fee for this application	50.00
<b>Total Monetary Order</b>	<b>\$1,550.00</b>

The landlord is provided with these Orders in the above terms and the tenant(s) must be served with a copy of these Orders as soon as possible. Should the tenant(s) fail to comply with these Orders, these Orders may be filed in the Small Claims Division of the Provincial Court and enforced as Orders 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 06, 2012

---

Residential Tenancy Branch