



# 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 an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit / and recovery of the filing fee. One of the landlords participated in the hearing and gave affirmed testimony. Despite service of the application for dispute resolution and notice of hearing by way of registered mail, the tenant did not appear. Evidence submitted by the landlords includes the Canada Post tracking number for the registered mail.

### Issue(s) to be Decided

Whether the landlords are entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

There is no written tenancy agreement in evidence for the month-to-month tenancy which began on or about August 1, 2010. Monthly rent at the outset of tenancy was \$900.00, and a security deposit of \$450.00 was collected. Currently, monthly rent is \$950.00 and it is due and payable in advance on the first day of each month.

The landlord testified that a 10 day notice to end tenancy for unpaid rent dated July 3, 2012 was personally served on the tenant on that same date. The amount of rent shown on the notice as unpaid totals \$4,000.00, and is comprised as follows:

March: \$200.00  
April: \$950.00  
May: \$950.00  
June: \$950.00  
July: \$950.00

Thereafter, the tenant made no payment toward rent and continues to reside in the unit.

### Analysis

Based on the application and the affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 3, 2012. The tenant did not pay the outstanding rent within 5 days of receiving the notice and did not apply to dispute the notice. The tenant is 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 landlords are entitled to an order of possession.

As for the monetary order, I find that the landlords have established a claim of \$4,525.00, which is comprised as follows:

\$200.00: unpaid rent for March  
\$3,800.00: unpaid rent for April, May, June, July (4 x \$950.00)  
\$475.00: unpaid rent for the period August 1 – 15  
\$50.00: filing fee

I order that the landlords retain the security deposit of \$450.00, and I grant the landlords a monetary order under section 67 of the Act for the balance owed of \$4,075.00 (\$4,525.00 - \$450.00).

### Conclusion

I hereby issue an **order of possession** in favour of the landlords effective no later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant 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 landlords in the amount of **\$4,075.00**. This order may be served on the tenant, 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: August 07, 2012.

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Residential Tenancy Branch