



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 service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail, the tenants did not appear. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the package was "refused by recipient."

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 what is understood to be a month-to-month tenancy which began sometime in 2012. Monthly rent of \$1,800.00 is due and payable in advance on the first day of each month, and a security deposit of \$900.00 was collected.

Arising from rent which remained overdue on July 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 12, 2012. The landlord's agent testified that the notice was served in-person at the unit on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants have made no further payments toward rent and they continue to reside in the unit.

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 July 12, 2012. The tenants did not pay the full amount of rent

outstanding 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 \$9,100.00, which is comprised as follows:

- \$1,800.00: unpaid rent for April
- \$1,800.00: unpaid rent for May
- \$1,800.00: unpaid rent for June
- \$1,800.00: unpaid rent for July
- \$1,800.00: unpaid rent for August
- \$100.00: filing fee

I order that the landlord retain the security deposit of \$900.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$8,200.00 (\$9,100.00 - \$900.00).

Conclusion

I hereby issue an order of possession in favour of the landlord effective not later than **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 \$8,200.00. 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: August 27, 2012.

Residential Tenancy Branch