



# 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 was scheduled in response to the landlord's application for an order of possession / a monetary order as compensation for unpaid rent or utilities / and recovery of the filing fee. The landlord participated in the hearing and gave affirmed testimony.

Despite in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on September 8, 2012, the tenants did not appear.

The landlord's request during the hearing to amend his application to include retention of the security deposit, is hereby granted.

### 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

Pursuant to a written tenancy agreement, the tenancy began on October 8, 2010. Monthly rent of \$775.00 is due and payable in advance on the first day of each month, and a security deposit of \$387.50 was collected on September 22, 2010.

Arising from rent which remained unpaid when due on August 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated August 4, 2012. The notice was served by way of posting on the tenants' door on that same date. Subsequently, the tenants made limited installment payments toward rent, and they continue to reside in the unit. The landlord testified that the status of unpaid rent is presently as follows:

September: \$550.00 still owed

October: \$775.00 still owed

### Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated August 4, 2012. The tenants did not pay the full amount of rent overdue 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 \$1,375.00, which is comprised as follows:

\$550.00: unpaid rent for September

\$775.00: unpaid rent for October

\$50.00: filing fee

I order that the landlord retain the security deposit of \$387.50, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$987.50 (\$1,375.00 - \$387.50).

### 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 \$987.50. 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: October 04, 2012.

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Residential Tenancy Branch