



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, OPC, OPB, MNR, MND, MNDC, MNSD, FF / MNDC, OLC, ERP, RP, RR

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlord for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage to the unit, site or property / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee; and ii) by the tenants for a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / an order instructing the landlord to comply with the Act, Regulation or tenancy agreement / an order instructing the landlord to make repairs for health or safety reasons / an order instructing the landlord to make repairs to the unit, site or property / and permission to reduce rent for repairs, services or facilities agreed upon but not provided.

The landlord attended and gave affirmed testimony, however, neither tenant appeared.

Issue(s) to be Decided

Whether either party 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 this tenancy which began on June 1, 2012. Monthly rent of \$1,300.00 is due and payable in advance on the first day of each month, and a security deposit of \$650.00 was collected.

Arising from rent which remained unpaid when due on November 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated November 8, 2012. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is November 18, 2012. Subsequently, the tenants made no further payment toward rent and they vacated the unit without providing a forwarding

address. In addition to unpaid rent, the landlord seeks compensation arising mainly from the yet unknown total costs of cleaning, repairs and rubbish removal.

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 November 8, 2012. The tenants did not pay the outstanding rent 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. As earlier noted, the tenants vacated the unit without providing a forwarding address. 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 \$1,350.00, which is comprised of \$1,300.00 in unpaid rent for November 2012, in addition to the \$50.00 filing fee. I order that the landlord retain the security deposit of \$650.00, and I grant the landlord a monetary order under section 67 of the Act for the balance owed of \$700.00 (\$1,350.00 - \$650.00).

As the other aspects of the landlord's application for compensation are as yet not fully known, they are hereby dismissed with leave to reapply.

In the absence of the tenants at the hearing which was scheduled in response to applications by both parties, the tenants' application is hereby dismissed.

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 \$700.00. 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: November 27, 2012.

Residential Tenancy Branch