



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR MNR

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. On January 8, 2013 the landlord served the tenants with the application for dispute resolution and notice of hearing by registered mail. Section 90 of the Act states that a document is deemed to have been served five days after mailing. I find that the tenants are deemed served with notice of the hearing on January 13, 2013.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?  
Is the landlord entitled to a monetary order?

### Background and Evidence

The tenancy began on November 15, 2012. Rent in the amount of \$900 is payable in advance on the first day of each month. At the outset of the tenancy, the tenants paid the landlord a security deposit of \$450 and a pet deposit of \$100. The tenants failed to pay rent in the month of December 2012 and on December 10, 2012 the landlord personally served the tenants with a notice to end tenancy for non-payment of rent. The tenants paid \$350 toward their outstanding rent on or about December 20, 2012, but they failed to pay rent in the month of January 2013.

### Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants did not pay the full outstanding rent and they have not applied for dispute resolution to dispute the notice. The tenants are therefore conclusively presumed to have accepted that the tenancy ended on the

effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$1450 in unpaid rent and lost revenue.

### Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. 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.

The landlord is entitled to \$1450 in unpaid rent and lost revenue. I order that the landlord retain the security and pet deposits of \$550 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$900. This order may be 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: January 30, 2013

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Residential Tenancy Branch

