



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Heather Park Properties Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR OPC MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. On February 22, 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 February 27, 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 April 1, 2012. Rent in the amount of \$875 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$437.50. The tenants failed to pay full rent in the month of December 2012, and on December 15, 2012 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants only made partial payments of rent, and rental arrears at the time of the hearing were \$2147. On December 30, 2012 the landlord served the tenants with a notice to end tenancy for repeated late payment of rent. The tenants did not apply to dispute any of the notices to end tenancy.

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 and a notice to end tenancy for repeated late payment of rent. The tenants have not paid the outstanding rent and have not applied for dispute resolution to dispute the notices. The tenants are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice to end tenancy. 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 \$2147 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

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 \$2197. I order that the landlord retain the security deposit of \$437.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1759.50. 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: March 19, 2013

Residential Tenancy Branch