



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. The hearing was conducted by conference call. The landlord's agent called in and participated in the hearing. The tenants did not appear although they were served with the Application for Dispute Resolution and Notice of Hearing sent by registered mail on February 22, 2013.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The rental unit is an apartment in Coquitlam. This tenancy began on April 3, 2012. The rent is \$1,175.00 due in advance on the first day of each month. The tenant paid a security deposit of \$600.00 at the start of the tenancy. The tenants did not pay rent for February when it was due. On February 4, 2013 the landlord served the tenants with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit. The tenants have not paid rent for February or for March and they did not file an application to dispute the Notice to End Tenancy. The landlord's agent testified that on or about March 8th the tenants partially moved out of the rental unit, but left a quantity of goods and furniture in the unit. The landlord's representative said that the tenants have caused significant damage to the rental unit.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenant must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If, as in the present case, the tenant

does neither of these two things, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$2,350.00 for the outstanding rent for February and March. The landlord claimed payment of \$300.00 for his time; this is not an allowable claim and it is denied. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2,400.00. I order that the landlord retain the deposit and interest of \$600.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,800.00. 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 14, 2013

Residential Tenancy Branch

