



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 dealt with an Application for Dispute Resolution by the landlords for an order of possession, and a monetary order for unpaid rent.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail on March 11, 2013, a Canada post tracking number was provided as evidence, the tenant did not appear. I find that the tenant has been duly served in accordance with the Act.

The landlords appeared, gave testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions at the hearing.

Issue(s) to be Decided

Are the landlords entitled to an order of possession for unpaid rent?

Are the landlords entitled to a monetary order for unpaid rent?

Background and Evidence

Based on the testimony of the landlords, I find that the tenant was served with a notice to end tenancy for non-payment of rent on February 24, 2013, by posting to the door, which was witnessed in the presence of two police officers. The notice informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The landlords testified the tenant confirmed receipt of the notice when he attended at her residence demanding that she cancel the notice. The landlord stated she notified the police of the incident.

The landlords testified that the tenancy commenced in 2004, and there has never been any problem with the tenant paying rent until May 2012, when he just stopped paying rent. The landlords stated the tenant keeps telling them that he is moving, however, he has failed to vacate the rental unit.

The landlord testified that the tenant owes rent from June 1, 2012, to April 1, 2013, in the total amount of \$15,400.00. The landlords stated the tenant did not pay a security deposit.

Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenant has not paid the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice.

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.

I find that the landlord has established a total monetary claim of \$15,500.00 comprised of unpaid rent from June 1, 2012 to April 1, 2013 and the \$100.00 fee paid by the landlord for this application. I grant the landlord an order under section 67 for the above balance due.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The tenant failed to pay rent and did not file to dispute the notice to end tenancy. The tenant is presumed under the law to have accepted that the tenancy ended on the effective date of the notice to end tenancy.

The landlord is granted an order of possession.

The landlord is granted a monetary order.

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: April 05, 2013

Residential Tenancy Branch

