



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Harron Investments Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR 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. The landlord stated that on May 23, 2013 they personally served the tenants with the application for dispute resolution and notice of hearing by registered mail. I accepted the landlord's evidence regarding service of the notice of hearing and proceeded with the hearing in the absence of the tenants.

Preliminary Issue – Amendment of Landlord's Name

At the outset of the hearing, the landlord stated that they had undergone a change in ownership effective May 28, 2013. I accepted the landlord's evidence and amended the style of cause to indicate the new owners' name as applicant landlords in this matter.

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 in December 2011. Rent in the amount of \$745 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 \$372.50. The tenants failed to pay full rent in the months of April and May 2013, and on May 3, 2013 the

landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay half of the rent in the month of June 2013. The landlord seeks an order of possession and monetary compensation of \$1797.50.

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 have not paid the outstanding rent and have not applied for dispute resolution to dispute the notice and 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 \$1797.50 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 tenant must be served with the order of possession. Should the tenant 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 \$1847.50. I order that the landlord retain the security deposit of \$372.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1475. 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: June 14, 2013

Residential Tenancy Branch