



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC MNSD FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession, and an order to retain the security deposit in compensation for unpaid rent.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that she personally served the tenants, one on June 3, 2013 and the other on June 4, 2013, with the application for dispute resolution and notice of hearing. I accepted the landlord's evidence regarding service and proceeded with the hearing in the absence of the tenants.

### 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 December 1, 2011. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$600. On April 30, 2013 the landlord served the tenants with a notice to end tenancy for cause. The tenants did not dispute the notice. The effective date of the notice was May 31, 2013. The tenants failed to pay rent of \$1200 in the month of June 2013. The tenants continue to occupy the rental unit.

### Analysis

Based on the landlord's testimony I find that the tenants were served with a notice to end tenancy for cause and they did not apply 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 \$1200 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 \$1250. I order that the landlord retain the security deposit of \$600 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$650. 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 21, 2013

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Residential Tenancy Branch