



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR OPC MNR FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for unpaid rent, an order of possession pursuant to a notice to end tenancy for cause and a monetary order for unpaid rent and utilities.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord stated that she personally served the tenants with the application for dispute resolution, to SR on July 9, 2013 and to NJ on July 11, 2013. I accepted the landlord's testimony that the tenants were served with notice of the hearing, and I 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 May 1, 2013. Rent in the amount of \$900 is payable in advance on the first day of each month. The tenants are responsible for 40 percent of the utilities. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$350. The tenants failed to pay \$5 of their rent for June 2013, and they failed to pay \$470 of their rent for July 2013. On July 2, 2013 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants have failed to pay any utilities, and the landlord has also claimed \$22 for May 2013 utilities and \$13 for June 2013 utilities.

### 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.

Having determined that the landlord is entitled to an order of possession pursuant to the notice to end tenancy for unpaid rent, it was not necessary for me to consider the notice to end tenancy for cause.

As for the monetary order, I find that the landlord has established a claim for \$510 in unpaid rent and utilities. 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 \$560. I order that the landlord retain the security deposit of \$350 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$210. 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: July 30, 2013

