



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF

Introduction

This hearing was scheduled in response to an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent or utilities / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that the application for dispute resolution and notice of hearing (the “hearing package”) was served in-person on the tenants on July 12, 2013. Despite this, neither tenant appeared.

Issue(s) to be Decided

Whether the landlords are entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began on April 1, 2013. Monthly rent of \$2,500.00 is due and payable in advance on the first day of each month, and a security deposit of \$1,000.00 was collected.

Arising from rent (\$2,500.00) and utilities (\$519.52) which remained unpaid when due on July 1, 2013, the landlords issued a 10 day notice to end tenancy for unpaid rent or utilities dated July 5, 2013. The notice was personally served on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is July 15, 2013. Subsequently, the tenants made no further payment toward rent or utilities and they continue to reside in the unit.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants were served with a 10 day notice to end tenancy for

unpaid rent or utilities dated July 5, 2013. The tenants did not pay the outstanding rent or utilities within 5 days of receiving the notice, and did not apply to dispute the notice. The tenants are therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for the monetary order, I find that the landlords have established a claim of **\$2,550.00**, which is comprised as follows:

\$2,500.00: *unpaid rent for July*

\$50.00: *filing fee*

I order that the landlords retain the security deposit of **\$1,000.00**, and I grant the landlords a **monetary order** under section 67 of the Act for the balance owed of **\$1,550.00** (\$2,550.00 - \$1,000.00).

In the absence of documentary evidence in support of the claim for unpaid utilities, this aspect of the application is hereby dismissed with leave to reapply.

Conclusion

I hereby issue an **order of possession** in favour of the landlords effective not later than **two (2) days** after service on the tenants. This order must be served on the tenants. 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.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$1,550.00**. This order may be served on the tenants, 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: August 01, 2013

Residential Tenancy Branch

