



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LLA Investments Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes: OPR, MNR, MNDC, MNSD

### Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / and retention of the security deposit. The landlord's agent attended and gave affirmed testimony.

The landlord's agent testified that he served the tenants in-person on August 10, 2013 with the application for dispute resolution and notice of hearing (the "hearing package.") The landlord's agent testified that he also served the hearing package by way of registered mail. Evidence provided includes the Canada Post tracking number for the registered mail, and the Canada Post website informs that the item was "successfully delivered." Despite this, no tenant attended the hearing.

### Issue(s) to be Decided

Whether the landlord is 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 October 1, 2012. Monthly rent is \$640.00, and the landlord's agent testified that it is due and payable in advance on the first day of each month. While the tenancy agreement does not document that a security deposit was collected, the landlord's agent testified that a security deposit of \$320.00 was indeed collected.

Arising from rent which remained unpaid in the amount of \$320.00 when due on June 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 6, 2013. The notice was served in-person 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 June 16, 2013. Subsequently, no further payment was made toward rent for June, a limited payment of \$320.00 was made toward rent for July, and no rent whatsoever has been paid for either August or September. The unit continues to be occupied by the tenant(s).

### Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: [www.rto.gov.bc.ca](http://www.rto.gov.bc.ca)

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated June 6, 2013. The tenants did not pay the outstanding rent 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 landlord has established a claim of **\$1,920.00**:

\$320.00: *unpaid rent for June*

\$320.00: *unpaid rent for July*

\$640.00: *unpaid rent for August*

\$640.00: *unpaid rent for September*

I order that the landlord retain the security deposit of **\$320.00**, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$1,600.00** (\$1,920.00 - \$320.00).

The landlord has not applied to recover the \$50.00 filing fee.

### Conclusion

I hereby issue an **order of possession** in favour of the landlord effective **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 landlord in the amount of **\$1,600.00**. 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: September 16, 2013

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Residential Tenancy Branch

