



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing concerns the landlords' application for an order of possession / a monetary order as compensation for unpaid rent / 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 August 2, 2013. Despite this, the tenants did not appear.

The landlord also testified that the tenants vacated the unit yesterday, September 10, 2013. Nevertheless, the landlord still seeks an order of possession.

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

There is no written tenancy agreement for this tenancy which the landlord recalls began in approximately April 2013. Monthly rent of \$700.00 is due and payable in advance on the first day of each month, and a security deposit of \$350.00 was collected.

Arising from rent which was unpaid when due on July 1, 2013, the landlords issued a 10 day notice to end tenancy for unpaid rent dated July 18, 2013. The notice was served by way of posting on the unit door 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 28, 2013. Subsequently, the tenants made no further payment toward rent and they vacated the unit on September 10, 2013. The landlord testified that no forwarding address was provided and neither were the unit keys returned.

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 dated July 18, 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 landlords have established entitlement to an **order of possession**.

As for the monetary order, I find the landlords have established a claim of **\$2,150.00**:

\$2,100.00: *unpaid rent for July, August & September (3 x \$700.00)*; \$50.00: *filing fee*

I order that the landlords retain the security deposit of **\$350.00**, and I grant the landlords a **monetary order** for the balance owed of **\$1,800.00** (\$2,150.00 - \$350.00).

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 **\$1,800.00**. 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 11, 2013

Residential Tenancy Branch

