



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bristol Estates
and [tenant name suppressed to protect privacy]

DECISION

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

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 / retention of the security deposit / and recovery of the filing fee. The landlord's agents attended and gave affirmed testimony.

Despite in-person service of the application for dispute resolution and notice of hearing (the "hearing package") on October 16, 2013, neither tenant appeared.

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 July 13, 2013. Monthly rent of \$850.00 is due and payable in advance on the first day of each month, and a security deposit of \$425.00 was collected.

Arising from rent in the amount of \$465.00 which was unpaid when due on October 1, 2013, the landlord issued a 10 day notice to end tenancy for unpaid rent dated October 2, 2013. The notice was served by way of posting on the tenants' door on that same date. A copy of the notice was submitted in evidence. Subsequently, the tenants made limited payments toward rent of \$350.00 on October 18, and \$500.00 on November 1, and they continue to reside in the unit.

Analysis

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

tenancy for unpaid rent dated October 2, 2013. The tenants did not pay the full amount of 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. In the result, 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 **\$565.00**:

\$115.00: (\$465.00 - \$350.00) *unpaid rent for October*
\$25.00: *fee assessed for late payment of rent*
\$350.00: (\$850.00 - \$500.00) *unpaid rent for November*
\$25.00: *fee assessed for late payment of rent*
\$50.00: *filing fee*

I order that the landlord retain the security deposit of **\$425.00**, and I grant the landlord a **monetary order** under section 67 of the Act for the balance owed of **\$140.00** (\$565.00 - \$425.00).

Conclusion

I hereby issue an **order of possession** in favour of the landlord 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 landlord in the amount of **\$140.00**. 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: November 21, 2013

Residential Tenancy Branch

