



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord submitted evidence that on December 18, 2013 he personally served the tenants with the application for dispute resolution and notice of hearing. I accepted the landlord's evidence 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 November 15, 2013. Rent in the amount of \$960 is payable in advance on the 15th day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$480. The tenants paid \$480 for half a month's rent from November 15 to November 30, 2013, but failed to pay rent for the second half of the month. On December 12, 2013 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants paid \$900 in outstanding rent on December 18, 2013, and the landlord issued a receipt indicating that the amount was accepted for use and occupancy only. The tenants failed to pay rent for January 1 to 14, 2014. The landlord claimed \$540 in outstanding rent and lost revenue; \$200 for a moving fine the strata charged the landlord when the tenants moved in; and \$53.67 for Shaw pay-per-view movies that the tenants charged to the

landlord's cable account. In support of his claim, the landlord submitted copies of the strata fine, the form K signed by the tenants and the Shaw cable bill.

Analysis

Based on the landlord's undisputed evidence I find that the tenants were served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent and did not apply for dispute resolution to dispute the notice and they 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.

As for the monetary order, I find that the landlord has established a claim for \$793.67. The landlord is also entitled to recovery of the \$50 filing fee for the cost of the application.

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 \$843.67. I order that the landlord retain the security deposit of \$480 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$363.67. 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: January 15, 2014

Residential Tenancy Branch