



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF, MNDC

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement.

The landlord's agent participated in the teleconference hearing, however the tenants did not attend. The landlord's agent gave evidence that she served both tenants with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail on January 24, 2014. I find the tenants were properly served.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Is the landlord entitled to a monetary order for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement?

### Background and Evidence

The landlord's agent gave evidence that the tenants were personally served with the Notice to End Tenancy for Unpaid Rent (the "Notice") on January 15, 2014. The Notice indicates that the tenants failed to pay \$5,600.00 in rent. The Notice specifies an effective date of January 25, 2014.

The landlord's agent gave evidence that the monthly rent is \$1,400.00 and the tenants did not pay any rent for the months of October 2013, November 2013, December 2013, or January 2014 and that totals \$5,600.00. The landlord's agent also gave evidence

that the tenants did not pay rent for February 2014 and so another \$1,400.00 in unpaid rent is now due.

The landlord's agent gave evidence that the landlord does not know whether the tenants have vacated the rental unit yet. The tenants have removed some of their possessions from the rental unit but have left other possessions.

The landlord's agent wishes to amend the application to add a claim for February 2014 rent and to withdraw the claim for money owed or compensation for damage or loss under the Act, Regulation, or tenancy agreement.

### Analysis

I find the Notice was served on the tenants on January 15, 2014. I accept the undisputed evidence of the landlord and I find the tenants did not pay the unpaid rent or apply to dispute the Notice within five days of receiving the Notice. Pursuant to Section 46(5), the tenants are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice, and were required to vacate the rental unit by that date. I therefore grant the landlord an order of possession which must be served on the tenants. Should the tenants fail to comply with the order, it may be filed for enforcement in the Supreme Court.

I accept the undisputed evidence of the landlord that the tenants failed to pay any rent for five months, from October 2013 through February 2014. The landlord is entitled to a monetary order for five months rent at \$1,400.00 per month for a total of \$7,000.00. The landlord is also entitled to recover the RTB filing fee of \$50.00.

The total amount due the landlord is therefore \$7,050.00. I order that the landlord retain the security deposit of \$500.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$6,550.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### Conclusion

I grant the landlord an order of possession and a monetary order for \$6,550.00.

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: March 14, 2014

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Residential Tenancy Branch

