



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. The hearing was conducted by conference call. The landlord and her agent called in and participated in the hearing. The tenants did not appear although they were served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on January 31, 2014.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on January 15, 2013. The rent is \$1,050.00 due in advance on the first day of each month. The tenants paid a security deposit of \$525.00 at the start of the tenancy. The tenants made partial payments of rent in September, 2013 and did not pay the full rent for any month thereafter. The tenants did not pay rent for January, 2014 when it was due. On January 20, 2014 the landlord served the tenants with a 10 day Notice to End Tenancy for non-payment of rent posting it to the door of the rental unit. According to the Notice, as of January 1, 2014, there was \$6,150.00 due in unpaid rent, consisting of rent for January and arrears for previous months. Since the Notice was given the tenants have not paid rent for January, February or for March and they did not file an application to dispute the Notice to End Tenancy.

Analysis

Section 46 of the Act requires that upon receipt of a Notice to End Tenancy for non-payment of rent the tenants must, within five days, either pay the full amount of the arrears indicated on the Notice or dispute the notice by filing an Application for Dispute

Resolution with the Residential Tenancy Branch. If, as in the present case, the tenants do neither of these two things, they are conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$8,250.00 for the outstanding rent, including rent for February and March. The landlord is entitled to recover the \$100.00 filing fee for this application for a total award of \$8,350.00. I order that the landlord retain the deposit and interest of \$525.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$7,825.00. 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: March 19, 2014

Residential Tenancy Branch

