



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / and recovery of the filing fee. The landlord attended and gave affirmed testimony.

The landlord testified that he served the tenants with the application for dispute resolution and notice of hearing (the "hearing package") in-person on February 02, 2014. Despite this, neither tenant appeared at the hearing.

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

Following the landlord's purchase of the property, pursuant to a written tenancy agreement he entered into a fixed term tenancy with the pre-existing tenants for the 4 month term from December 1, 2013 to March 31, 2014. Monthly rent of \$1,800.00 is due and payable in advance on the first day of each month. There is no evidence before me concerning a security deposit or pet damage deposit.

Arising from rent of \$950.00 (\$50.00: December 2013 and \$900.00: January 2014) which remained unpaid when due on January 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated January 20, 2014. The notice was served in-person on that same date. A copy of the notice was submitted in evidence. The tenants have since that time made several installment payments toward rent, and they continue to reside in the unit. The landlord testified that rent currently outstanding to the end of March 2014 totals \$2,450.00, and he further testified that the tenants have informed him of their intention to vacate the unit effective March 31, 2014.

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 January 20, 2014. 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**, and the landlord has requested that this be made effective **March 31, 2014**.

As for compensation, I find that the landlord has established a claim of \$2,450.00 in unpaid rent, in addition to recovery of the \$50.00 filing fee (total: \$2,500.00).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **Monday, March 31, 2014**. 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 **\$2,500.00**. Should it be necessary, 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: March 19, 2014

Residential Tenancy Branch

