



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capilano Property Management
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 pet damage deposit / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony.

Despite service of the application for dispute resolution and notice of hearing (the "hearing package") by way of registered mail on each tenant, neither tenant appeared. Evidence provided by the landlord includes the Canada Post tracking numbers for both items of registered mail.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement, the tenancy began March 01, 2012. Monthly rent of \$765.00 is due and payable in advance on the first day of each month. A security deposit of \$382.50 and a pet damage deposit of \$200.00 were both collected.

Arising from rent which remained unpaid when due on January 01, 2014, the landlord issued a 10 day notice to end tenancy for unpaid rent dated January 02, 2014. The notice was served by way of posting on the unit door on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenants must vacate the unit is January 12, 2014. Subsequently, the tenants continue to reside in the unit and they have made payments toward rent and late fee(s) in the limited amounts as follows:

February 04, 2014: *\$790.00 (rent of \$765.00 for January + \$25.00 fee assessed for late payment of rent)*

March 01, 2014: *\$600.00 (towards February's rent)*

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated January 02, 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.

Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for compensation, I find that the landlord has established entitlement to **\$1,030.00**:

\$165.00: unpaid rent for February (\$765.00 - \$600.00)

\$25.00: fee assessed for late payment of rent

\$765.00: unpaid rent for March

\$25.00: fee assessed for late payment of rent

\$50.00: filing fee

I order that the landlord retain the security deposit and the pet damage deposit in the combined total amount of **\$582.50** (\$382.50 + \$200.00), and I grant the landlord a **monetary order** for the balance owed of **\$447.50** (\$1,030.00 - \$582.50).

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 **\$447.50**. 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 10, 2014

Residential Tenancy Branch

