



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Century 21 Prudential Estates (Rmd) Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR MNR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord participated in the teleconference hearing, but the tenants did not call into the hearing. The landlord stated that they served the tenants with the application for dispute resolution and notice of hearing by registered mail, and when the landlord spoke to the tenants recently they acknowledged having received the hearing packages. I accepted the landlord's testimony regarding service, 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 May 1, 2011. Rent in the amount of \$1350 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenants in the amount of \$675. The tenants failed to pay full rent for several months, and on April 3, 2014 the landlord served the tenants with a notice to end tenancy for non-payment of rent. The tenants further failed to pay rent in the months of May and June 2014. The landlord stated that at the time of the hearing, the tenants owed \$3797.88 in unpaid rent.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenants and the landlord on April 30, 2011, indicating a monthly rent of \$1350 due on the first of each month;
- a copy of a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, issued on April 3, 2014, with an effective vacancy date of April 18, 2014, for failure to pay rent in the amount of \$1998.94 that was due on April 1, 2014;
- a printout from Canada Post showing that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail sent on April 3, 2014;

- a ledger of the tenants' account, showing that as of May 2014, the tenants were in arrears by \$2447.88.
- a copy of the Landlord's Application for Dispute Resolution, filed May 5, 2014, in which the landlord indicated that the tenants had failed to pay any of the outstanding rent, including rent for May 2014.

Analysis

I have reviewed all evidence and I accept that the tenants were served with the notice to end tenancy as declared by the landlord. The tenants were deemed served with the notice on April 8, 2014.

I accept the evidence before me that the tenants have failed to pay the rent owed within the five days granted under section 46(4) of the Act. I find that the tenants are conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. The landlord is therefore entitled to an order of possession.

As for the monetary order, based on the above-noted evidence I find that the landlord has established a claim for \$3797.88 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant 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 \$3847.88. I order that the landlord retain the security deposit of \$675 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$3172.88. 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: June 23, 2014

Residential Tenancy Branch

