



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNDC, MNSD, FF

Introduction

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

An agent for the landlord attended the teleconference hearing and gave evidence, however the tenants did not attend. The landlord's evidence is that the tenants were served with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail on July 25, 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 as claimed?

Background and Evidence

The landlord's evidence is that the tenancy started September 1, 2012. The tenants are obligated to pay rent of \$1,700.00 monthly in advance on the first day of the month. The tenants also paid a security deposit of \$850.00.

The landlord's evidence is that the tenants were served with a Notice to End Tenancy for Unpaid Rent (the "Notice") by posting the Notice on the tenants' door on July 5, 2014. Section 90 provides that a document served in this manner is deemed to be received three days later.

The Notice states the tenants failed to pay rent of \$1,700.00 that was due July 1, 2014. The landlord's evidence is that the tenants have made no further payments since the

Notice was served. The landlord's agent was not certain whether the tenants have fully moved out; if they have, it was during the month of September 2014.

Analysis

I find the tenants received the Notice on July 8, 2014. I accept the landlord's evidence that the tenants have made no further payments. According to Section 46(5), if a tenant does not pay the rent or make application for dispute resolution within five days of receiving the Notice, the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice and must vacate the rental unit by that date. For these reasons, I find that the landlord is entitled to an order of possession. I 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 landlord's evidence that the tenants continued to occupy the rental unit until at least some point in the month of September 2014. For that reason, I find the landlord is entitled to a monetary order for unpaid rent for the months of July, August, and September at \$1,700.00 per month for a total of \$5,100.00. The landlord is also entitled to recover their RTB filing fee of \$50.00.

The total amount due the landlord is \$5,150.00. I order that the landlord retain the security deposit of \$850.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4,300.00. 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 \$4,300.00. The landlord is also entitled to retain the security deposit.

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: September 23, 2014

Residential Tenancy Branch

