



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bristol Estates
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, MNR, MNSD, FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / retention of the security deposit and pet damage deposit / and recovery of the filing fee. The landlord's agents (the "landlord") attended and gave affirmed testimony. Neither tenant appeared.

The landlord testified that the application for dispute resolution and the notice of hearing (the "hearing package") was personally served on the tenants on June 17, 2015. In relation to this, each tenant signed a "proof of service" acknowledgement of having been served. Based on the documentary evidence and the affirmed / undisputed testimony of the landlord, I find that the tenants have been served in accordance with sections 89 and 90 of the Act which speak, respectively, to **Special rules for certain documents** and **When documents are considered to have been received**.

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 fixed term tenancy is from October 01, 2014 to September 30, 2015. Rent of \$850.00 is due and payable in advance on the first day of each month. A security deposit of \$425.00 and a pet damage deposit of \$425.00 were collected.

Arising from rent of \$850.00 which was unpaid when due on June 01, 2015, the landlord issued a 10 day notice to end tenancy for unpaid rent dated June 02, 2015. 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 June 14, 2015. Subsequently, the tenants made only limited payment of \$600.00 on June 13, 2015, and they continue to reside in the unit.

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 June 02, 2015. The tenants did not pay the full amount of outstanding rent within five (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 to compensation, I find that the landlord has established a claim of **\$2,075.00**:

\$250.00: *balance of unpaid rent for June (\$850.00 - \$600.00);*

\$25.00: *fee assessed for late payment of rent*

\$850.00: *unpaid rent for July*

\$25.00: *fee assessed for late payment of rent*

\$850.00: *unpaid rent for August*

\$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 **\$850.00** (\$425.00 + \$425.00), and I grant the landlord a **monetary order** for the balance owed of **\$1,225.00** (\$2,075.00 - \$850.00).

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 **\$1,225.00**. 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: August 05, 2015

Residential Tenancy Branch

