



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR OPC MND MNR MNSD MNDC CNR RP RR FF O

Introduction

This hearing dealt with applications by the tenants and the landlord. The tenants applied to cancel a notice to end tenancy, as well as for monetary compensation and other orders. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

This matter was set for hearing by telephone conference call at 11:00 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenants did not attend the hearing by 11:10 a.m., and the landlord appeared and was ready to proceed with both applications, I dismiss the tenants' claim without leave to reapply.

The landlord stated that on July 22, 2015 she personally served the tenants with her application for dispute resolution and notice of hearing. I accepted the landlord's testimony regarding service of the hearing packages for her application, 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 July 1, 2014. Rent in the amount of \$2,200.00 was payable in advance on the first day of each month, until the rent increased on August 1, 2015 to \$2,255.00. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$1,100.00. The tenants failed to pay rent in the month of July 2015 and on July 2, 2015 the landlord personally served the tenants with a notice

to end tenancy for non-payment of rent. The tenants further failed to pay rent in the month of August 2015.

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. 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 July 12, 2015, 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 \$4,455.00 in unpaid rent and lost revenue.

Conclusion

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. 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.

The landlord is entitled to \$4,455.00. I order that the landlord retain the security deposit of \$1,100.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$3,355.00. 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: August 27, 2015

Residential Tenancy Branch