



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNR, FF

Introduction

This hearing dealt with an application for dispute resolution by the landlords for an order of possession and a monetary order. Although served with the Amended Application for Dispute Resolution and Notice of Hearing by personal service on March 15, 2016, the tenants did not appear.

Issue(s) to be Decided

- Are the landlords entitled to an order of possession and, if so, upon what terms?
- Are the landlords entitled to a monetary order and, if so, in what amount?

Background and Evidence

This month-to-month tenancy commenced February 11, 2016. The monthly rent of \$900.00 is due on the first day of the month. The tenants paid \$450.00 for the February rent. They did not pay a security deposit or a pet damage deposit.

The landlord testified that the tenant was served with a 10 Day Notice to End Tenancy for Non-Payment of Rent when it was posted to the door of the rental unit on March 2, 2016. The landlord filed photographs of the notice to end tenancy showing the notice and the notice attached to the door of the rental unit. That document includes information advising the tenants that the notice is cancelled if the tenants pay the arrears of rent within five days. It also advises that the tenants have five days to dispute the notice by filing an application for dispute resolution with the Residential Tenancy Branch. The landlord testified that the tenants did neither.

The landlord testified that the tenants have not paid the rent for March and April and the arrears total 1800.00.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenants have not paid the outstanding rent and did not apply to dispute the Notice and are therefore conclusively presumed under section 46(5) of the *Residential Tenancy Act* to have accepted that the tenancy ended on the effective date of the

Notice. Based on the above facts I find that the landlords are entitled to an order of possession effective two days after service on the tenants.

I find that the landlords have established a total monetary claim of \$1900.00 comprised of arrears of rent in the amount of \$1800.00 and the \$100.00 fee paid by the landlords for this application and I grant the landlords an order under section 67 in that amount.

Conclusion

- a. An order of possession effective two days after service on the tenants have been granted. If necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.
- b. A monetary order in favour of the landlords in the amount of \$1900.00 has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) 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: April 19, 2016

Residential Tenancy Branch