



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; MNDC; FF

Introduction

This is the Landlords' application for an Order of Possession; a monetary award; and to recover the cost of the filing fee from the Tenants.

The parties gave affirmed testimony at the Hearing.

It was determined that the Landlords served each of the Tenants with the Notice of Hearing documents and copies of their documentary evidence, by handing the documents to each Tenant on January 30, 2014.

It was also determined that the Landlord TM served the Tenants with the Notice to End Tenancy on January 17, 2014, at 12:35, by leaving it personally with the Tenant UR at the rental unit.

Preliminary Matter

At the outset of the Hearing, it was discovered that the parties' names were recorded incorrectly on the Application for Dispute Resolution. Therefore, I amended the Landlord's Application to reflect the correct order of names (first names and last names were originally placed in the wrong boxes).

Issues to be Decided

- Are the Landlords entitled to an Order of Possession?
- Are the Landlords entitled to a Monetary Order for unpaid rent and utilities?

Background and Evidence

A copy of the tenancy agreement was provided in evidence. This tenancy began on November 1, 2013. Monthly rent is \$1,500.00, not including utilities, due on the first day of each month. The Tenants paid a security deposit at the beginning of the tenancy.

The Landlord TM testified that the Tenants owe rent and utilities for November, 2013, to March, 2014, in the total amount of \$3,829.80. The Landlords provided a document summarizing the amounts owed.

The Tenants did not file an Application for Dispute Resolution seeking to cancel the Notice to End Tenancy for Unpaid Rent and Utilities. The Tenants agree that they owe the Landlords the amount that the Landlords have claimed. The Tenant SN stated that he was unemployed and waiting for work, and therefore the rent was in arrears.

Analysis

The Tenants did not pay the rent arrears or file for dispute resolution, within 5 days of receiving the Notice to End Tenancy as required by Section 46(4) of the Act. Therefore, pursuant to the provisions of Section 46(5) of the Act, the Tenants are conclusively presumed to have accepted that the tenancy ended on January 27, 2014. I find that the Landlords are entitled to an Order of Possession and a monetary award for unpaid rent, unpaid utilities and loss of revenue in the total amount of **\$3,829.80**.

The Landlords have been successful in their application and are entitled to recover the cost of the **\$50.00** filing fee from the Tenants.

The security deposit must be administered in accordance with the provisions of the Act.

Conclusion

I hereby provide the Landlords with an Order of Possession effective **2 days after service of the Order upon the Tenants**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby provide the Landlords with a Monetary Order in the amount of **\$3,879.80**. This Order may be filed in the Provincial Court of British Columbia (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: March 19, 2014

Residential Tenancy Branch

