



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            OPR, MNR, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of the applicants and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

The tenants gave the landlords notice they were vacating at the end of August. They subsequently left at the end of September. The Residential Tenancy Act permits a party to serve another by mailing, by registered mail to where the other resides and it is deemed received 5 days later. I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenants by mailing, by registered mail to where the tenants reside on September 23, 2014.

The landlords filed an Amended Application for Dispute Resolution on October 11, 2014. However, they were unable to serve the Amended Application for Dispute Resolution on the tenants as the landlords did not have a forwarding address for the tenants. I ruled that I could consider the landlords' claims contained in the original Application for Dispute Resolution but not the Amended Application for Dispute Resolution. The landlords retain the right to file a new Application for Dispute Resolution containing those additional claims that were included in the Amended Application for Dispute Resolution.

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlords are entitled to an Order for Possession?
- b. Whether the landlords are entitled to A Monetary Order and if so how much?
- c. Whether the landlords are entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 23, 2013. The rent was originally set at \$850 per month but it was reduced to \$820 and then \$800. The tenants gave the landlord notice they were vacating at the end of August. However, they subsequently over-held and vacated on October 1, 2014. The tenants did not pay a security deposit.

The tenants failed to pay the rent and the sum of \$3100 is outstanding to the end of August 2014. In addition the tenants owe the sum of \$800 for the month of September 2014 for a total of \$3900.

Analysis - Order of Possession:

It is no longer necessary to consider the landlords' application for an Order for Possession as the tenants have vacated the rental unit.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent and the sum of \$3900 is outstanding until the end of September 2014. **I granted the landlord a monetary order in the sum of \$3900 plus the sum of \$50 in respect of the filing fee for a total of \$3950.**

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: November 06, 2014

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Residential Tenancy Branch

