



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with the landlords' application for dispute resolution under the Residential Tenancy Act (the "Act"). The landlords applied for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent, and for recovery of the filing fee paid for this application.

The landlords attended; the tenants did not attend the telephone conference call hearing.

The landlords gave evidence that they served each tenant with their application for dispute resolution and notice of hearing by leaving the documents with tenant LC on January 19, 2015, tenant LM on January 22, 2015, and by following up with registered mail to each tenant.

Based upon the submissions of the landlords, I find the tenants were served notice of this hearing in a manner complying with section 89(1) of the Act and the hearing proceeded in the tenants' absence.

The landlords were provided the opportunity to present their evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Are the landlords entitled to an order of possession for the rental unit due to unpaid rent, monetary compensation, and to recover the filing fee?

Background and Evidence

The landlords' tenancy agreement provided showed that this tenancy began on May 1, 2014, and monthly rent is \$1450.

The landlords submitted that on January 5, 2015, the tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice"), by leaving it with tenant LC, listing unpaid rent of \$1450 as of January 5, 2015. The effective vacancy date listed on the Notice was January 16, 2015.

The Notice informed the tenants that the Notice would be cancelled if the rent was paid within 5 days. The Notice also explained that alternatively the tenants had 5 days to dispute the Notice by making an application for dispute resolution.

The landlords submitted that the tenants made a payment of \$571.81 since the Notice was issued, and that the tenants owed a balance of \$878.39 in unpaid rent for January 2015, as claimed in their application.

I have no evidence before me that the tenants applied to dispute the Notice.

Analysis

I find the landlords submitted sufficient evidence to prove that the tenants were served a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, did not pay the outstanding rent or file an application for dispute resolution in dispute of the Notice within 5 days of service and 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.

I therefore find that the landlords are entitled to an order of possession for the rental unit effective 2 days after service of the order upon the tenants.

I grant the landlord a final, legally binding order of possession for the rental unit, which is enclosed with the landlord's Decision. Should the tenants fail to vacate the rental unit pursuant to the terms of the order after being served, the order may be filed in the

Supreme Court of British Columbia for enforcement as an order of that Court. The tenants are advised that costs of such enforcement are recoverable from the tenants.

I also find that the landlords are entitled to a monetary award of \$928.39 comprised of outstanding rent of \$878.39 through January, 2015, and the \$50 filing fee paid by the landlords for this application.

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the amount of \$878.39, which is enclosed with the landlord's Decision.

Should the tenants fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. The tenants are advised that costs of such enforcement are recoverable from the tenants.

Conclusion

The landlords' application seeking an order of possession for the rental unit due to unpaid rent and a monetary order for unpaid rent has been granted.

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: February 5, 2015

Residential Tenancy Branch

