



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; MNDC; MNSD; FF

Introduction

This is the Landlords' application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; to retain the security deposit and pet damage deposit in partial satisfaction of their monetary award; and to recover the cost of the filing fee from the Tenant.

The Landlords' agent gave affirmed testimony at the Hearing.

The Landlords' agent testified that the Notice of Hearing documents and copies of the Landlords' documentary evidence were mailed to the Tenant, via registered mail, to the rental unit on April 13, 2015. The Landlords provided the registered mail receipt and tracking numbers in evidence. The Canada Post tracking system confirms that the Tenant signed for the documents on April 14, 2015.

I am satisfied that the Tenant was duly served with the Notice of Hearing documents by registered mail. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in his absence. The teleconference remained open for 12 minutes.

Issues to be Decided

- Are the Landlords entitled to an Order of Possession?
- Are the Landlords entitled to a Monetary Order for unpaid rent for the month of April and loss of revenue for the month of May, 2015?

Background and Evidence

The Landlords' agent gave the following testimony:

A copy of the tenancy agreement was provided in evidence. Monthly rent is \$2,400.00, due the first day of each month. The Tenant paid a security deposit in the amount of \$1,200.00 and a pet damage deposit in the amount of \$100.00 on February 15, 2015.

On April 2, 2015, the Landlords' agent served the Tenant with a 10 Day Notice to End Tenancy for Unpaid Rent, by hand delivering the Notice to the Tenant door at the rental unit.

The Landlords' agent testified that the Tenant has not moved out of the rental unit and has not paid any of the outstanding rent.

Analysis

I accept the undisputed testimony of the Landlords' agent in its entirety.

The Tenant was served with the Notice to End Tenancy on April 2, 2015. The Tenant did not pay all of the arrears, or file for dispute resolution, within 5 days of receiving the documents. Therefore, pursuant to Section 46(5) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on April 12, 2015. I find that the Landlords are entitled to an Order of Possession and a monetary award for unpaid rent for the month of April, 2015.

The Tenant is overholding and I find that the Landlords are entitled to loss of revenue for the month of May, 2015.

Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlords may apply the security deposit and pet damage deposit towards partial satisfaction of their monetary award.

The Landlords have been successful in their application and I find that they are entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlords with a Monetary Order, calculated as follows:

Unpaid rent for April, 2015	\$2,400.00
Loss of revenue for May, 2015	\$2,400.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$4,850.00
Less security deposit and pet damage deposit	<u>- \$1,300.00</u>
TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF	\$3,550.00

Conclusion

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

I hereby grant the Landlords a Monetary Order in the amount of **\$3,550.00** for service upon the Tenant. 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: April 29, 2015

Residential Tenancy Branch

