



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kelson Group
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR

Introduction

This hearing dealt with the landlord's Application for Dispute Resolution by Direct Request seeking an order of possession and a monetary order.

The adjudicator in the Direct Request processed determined that the matter should be heard through a participatory hearing and this hearing was set as per the Interim Decision written by that adjudicator on August 25, 2016.

The hearing was conducted via teleconference and was attended by an agent for the landlord.

The landlord testified each tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act* (Act) by registered mail on September 1, 2016 in accordance with Section 89. Section 90 of the Act deems documents served in such a manner to be received on the 5th day after they have been mailed.

Based on the testimony of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to the Act.

At the outset of the hearing the landlord confirmed the tenants vacated the rental unit on or before September 16, 2016. As a result, the landlord confirms that they have possession of the rental unit and they no longer require an order of possession. I amend the landlord's Application to exclude the matter of possession.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent, pursuant to Sections 67, and 72 of the Act.

Background and Evidence

The landlord submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was signed by the tenants and the previous landlord on September 1, 2014 for a month to month tenancy beginning on September 1, 2014 for the monthly rent of \$775.00 due on the 1st of each month and a security deposit of \$375.00 was paid;

- A copy of a Notice of Rent Increase effective June 1, 2016 increasing the rent to \$797.00; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on August 8, 2016 with an effective vacancy date of August 17, 2016 due to \$797.00 in unpaid rent.

The landlord's agent testified the current landlord purchased the residential property from the landlord named in the tenancy agreement on November 15, 2014.

Documentary evidence filed by the landlord indicates the tenants failed to pay the full rent owed for the month of August 2016 and that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by posting it to the rental unit door on August 8, 2016 at 4:10 p.m. and that this service was witnessed by a third party.

The Notice states the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days. The landlord confirms the tenants have also failed to pay rent for the months of September. The landlord seeks \$1,594.00 in unpaid rent.

Analysis

Based on the landlord's undisputed testimony that the tenants failed to pay rent for the months of August and September of 2016 I find the landlord has established entitlement to the amount of unpaid rent claimed.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$1,594.00** comprised of rent owed.

I order the landlord may deduct the security deposit and interest held in the amount of \$375.00 in partial satisfaction of this claim, pursuant to Section 72(2)(b). I grant a monetary order in the amount of **\$1,219.00**. This order must be served on the tenants. If the tenants fail to comply with this order the landlord may file the order in the Provincial Court (Small Claims) and be 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: October 19, 2016

Residential Tenancy Branch