



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes: OPR; MNR

Introduction

This is the Landlords' application for an Order of Possession and a Monetary Order for unpaid rent.

The Landlord gave affirmed testimony at the Hearing.

The Landlord testified that she served the female Tenant with the Notice of Hearing documents by hand delivering the documents at the rental unit on June 21, 2011 at approximately 4:30 p.m. with a witness present. The Landlord stated that the male Tenant was not home at the time and therefore the Landlord was not able to serve him.

Based on the affirmed testimony of the Landlord, I am satisfied that the female Tenant was duly served with the Notice of Hearing documents on June 21, 2011. Despite being served with the Notice of Hearing documents, the female Tenant did not sign into the teleconference and the Hearing proceeded against the female Tenant in her absence.

The Landlord did not serve the male Tenant with the Notice of Hearing documents and therefore the Landlords' application against the male Tenant is dismissed without leave to reapply.

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 loss of revenue?

Background and Evidence

The Landlord gave the following testimony and evidence:

This tenancy began on December 1, 2010. A copy of the tenancy agreement was provided in evidence. Monthly rent is \$550.00 per month, due the first day of each month. The Tenants paid a security deposit in the amount of \$275.00 at the beginning of the tenancy.

The Tenants paid only \$260.00 for June's rent. The Landlord issued a Notice to End Tenancy for Unpaid Rent in the amount of \$290.00 on June 6, 2011. The Landlord served the Tenants by hand on June 6, 2011, at the rental unit. A copy of the Notice to End Tenancy was provided in evidence.

The Tenants remain in the rental unit and have not paid any rent since the Notice to End Tenancy was issued.

The Landlord asked to apply the security deposit towards any monetary award.

Analysis

I accept the Landlord's testimony that the Landlord served the Tenants with the Notice to End Tenancy on June 6, 2011, and that the Tenants did not pay all of the arrears within 5 days of receiving the documents. The Tenants did not file an application seeking to cancel the Notice to End Tenancy and 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 June 16, 2011. The Landlord is entitled to an Order of Possession.

Based on the affirmed testimony of the Landlord, the Landlords have established a monetary award for unpaid rent for June in the amount of \$290.00. The Tenants are overholding and therefore I find that the Landlords are entitled to loss of revenue for July in the total amount of \$550.00.

Pursuant to the provisions of Section 72(2)(b) of the Act, the Landlords may apply the security deposit towards partial satisfaction of the Landlords' monetary award. No interest has accrued on the security deposit.

The Landlords have established a monetary claim as follows:

Unpaid rent for June, 2011	\$290.00
Subtotal	\$840.00
Less security deposit	- \$275.00
TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF	\$565.00

Conclusion

The Landlord's application against the male Tenant is dismissed without leave to reapply.

I hereby provide the Landlords an Order of Possession effective **2 days after service of the Order upon the female Tenant**. 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 a Monetary Order in the amount of **\$565.00** against the female 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: July 14, 2011.

Residential Tenancy Branch