



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; MNDC; FF

Introduction

This is the Landlords' application for an Order of Possession; a Monetary Order for unpaid rent and loss of revenue; and to recover the cost of the filing fee from the Tenants.

The Landlords gave affirmed testimony at the Hearing.

The female Landlord testified that she mailed the Notice of Hearing documents to the Tenants, by registered mail, on June 29, 2012, to the rental unit. The Landlord provided the tracking numbers for the documents.

Based on the Landlord's affirmed testimony, I am satisfied that the Tenants were duly served with the Notice of Hearing documents. Despite being served with the Notice of Hearing documents, the Tenants did not sign into the teleconference and the Hearing proceeded in their absence.

Issues to be Decided

- Are the Landlords entitled to an Order of Possession?
- Are the Landlords entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlords gave the following testimony and evidence:

A copy of the tenancy agreement was provided in evidence. Monthly rent is \$1,690.00 per month, due the first day of each month. The Tenants paid a security deposit in the amount of \$845.00 on March 1, 2010.

The Landlords testified that the Tenants were also required to pay a pet damage deposit, but have not paid it. The Tenants did not pay June's rent when it was due. The Landlords issued a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice") on June 18, 2012, and served it by registered mail sent June 18, 2012 to the rental unit.

The Landlords testified that the Tenants have not paid any of the outstanding rent for June, 2012, and that rent remains unpaid for July, 2012, as well. The Landlords testified that the Tenants remain in the rental unit.

Analysis

I accept that the Landlords served the Tenants with the Notice on June 18, 2012, by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. The Tenants did not pay all of the arrears, or file for dispute resolution, within 5 days of being deemed served. Therefore, pursuant to Section 46(5) of the Act, the Tenants are conclusively presumed to have accepted that the tenancy ended on June 22, 2012. I find that the Landlords are entitled to an Order of Possession.

Based on the undisputed testimony of the Landlords, I find that they have established a monetary claim for unpaid rent in the amount of **\$1,690.00** for June, and loss of revenue in the amount of **\$1,690.00** for the month of July, 2012.

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

The Landlords have been successful in their application and are entitled to recover the cost of the **\$50.00** filing fee from the Tenants.

I hereby provide the Landlord a Monetary Order against the Tenants, calculated as follows:

Unpaid rent for June, 2012	\$1,690.00
Loss of revenue for July, 2012	\$1,690.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$3,430.00
Less security deposit	<u>- \$845.00</u>
TOTAL AMOUNT DUE TO THE LANDLORDS AFTER SET-OFF	\$2,585.00

Conclusion

I hereby provide the Landlords an Order of Possession effective **2 days after service** of the Order upon the Tenants. 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 **\$2,585.00** for service upon the Tenants. 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 19, 2012.

Residential Tenancy Branch