



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services
and [tenant name suppressed to protect privacy]

DECISION

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

Introduction:

This was an application by the landlords for an Order for Possession and a Monetary Order pursuant to a Notice to End the Tenancy for non-payment of rent dated June 11, 2013. Only the landlords attended the hearing.

Issues:

Are the landlord entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlord D.L. testified that the tenancy began with the tenants A.W. and J.O. on September 1, 2012 as fixed term ending on October 1, 2013 with rent in the amount of \$ 1,600.00 due in advance on the first day of each month. D.L. testified that he previously returned the security deposit to the tenants in exchange for repairs they made. The landlord's agent S.M. testified that he served the Notice to End the tenancy on June 11, 2013 by posting it to the tenants' door. S.M. testified that the dispute resolution package was sent by registered mail on June 29, 2013 to the unit address but all three packages were returned as unclaimed.

Analysis:

Pursuant to section 71(2) of the Act and in reliance upon S.M.'s testimony I find that the dispute package has sufficiently been served by July 4, 2013 notwithstanding that the tenants neglected or refused delivery. Based on the evidence of the landlord's agent I find that the tenants were personally served with a Notice to End Tenancy for non-payment of rent on June 14, 2013 by posting it on their door on June 11, 2013.

The tenants A.W. and J.O. did not all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlords are entitled to an order for possession effective two days after service on the tenants J.O. and A.W. I find that the landlords have established a claim for unpaid rent against A.W. and J.O. totalling \$ 3,200.00 for the month(s) of June and July 2013. I have dismissed all claims against J.F. as she was not a tenant listed on the tenancy agreement. The landlord is entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 3,250.00.

Conclusion:

I have granted the landlords an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain the deposit and interest of \$ 448.80 and I grant the landlords an order under section 67 for the balance due of **\$ 3,250.00** as against the tenants J.O. and A.W. only. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served as soon as possible. I have dismissed all claims against J.F.

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 29, 2013

Residential Tenancy Branch