



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction:

This was an application by the landlords for an Order for Possession, a Monetary Order and an Order to retain the security and pet deposit in partial satisfaction of the monetary claim. Only the landlords attended the hearing.

Issues:

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

Background and Evidence:

The landlords testified that the tenancy began on February 1, 2013 with rent in the amount of \$ 950.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 475.00 and pet deposit of \$ 200.00 on February 1, 2013. The landlords testified that they served the Notice to End the tenancy on June 2, 2013 by handing it to the tenants and the dispute resolution package by putting it on the tenants' door on June 28, 2013. The landlords testified that the tenants had vacated the unit on or about June 17, 2013 but returned periodically to remove their belongings. The landlords testified that on or about July 2, 2013 the tenants telephoned them to confirm receipt of the application for dispute resolution and enquire about the details of same. The landlords testified that the tenants still have some belongings in the unit and have not returned to clean them out or return the key.

The landlords are claiming for unpaid rent for June and loss of revenue for July amounting to \$ 1,900.00. The landlords testified that the tenants were responsible for one third of all utilities and that total amount of the tenants' portion of utilities to date is \$ 265.86 representing Hydro for May through June and Fortis for May. The landlords testified that the tenants admitted breaking the glass shower door and that they obtained an estimate for the replacement cost only from Home Depot amounting to \$ 543.38. The landlords are claiming that amount.

Analysis:

Pursuant to section 71(2) of the Act and the evidence of the landlords I find that the dispute package has sufficiently been served by July 2, 2013. Based on the evidence of the landlords I find that the tenants were personally served with a Notice to End Tenancy for non-payment of rent on June 2, 2013. . The tenants has not paid all the outstanding rent or utilities 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. I find that the landlords have established a claim for unpaid rent totalling \$ 950.00 for the month of June 2013. I allow the landlords' claim for loss of revenue for July 2013 in the amount of \$ 950.00. Based upon the uncontradicted evidence of the landlords I allow the claim for unpaid utilities amounting to \$ 265.86 and the replacement cost of the shower door of \$ 543.38. The landlords are entitled to recover the \$50.00 filing fee for this application for a total claim of \$ 2,759.24.

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 landlords retain the deposits and interest of \$ 675.00 and I grant the landlords an order under section 67 for the balance due of **\$ 2,034.24**. 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 on the tenants as soon as possible.

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 30, 2013

Residential Tenancy Branch