



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

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

The hearing was conducted via teleconference and was attended by the landlord only.

The landlord provided documentary evidence that 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 July 27, 2013 in accordance with Section 89. As per Section 90, the documents are deemed received by the tenants on the 5th day after it was mailed.

Based on the testimony of the landlord, I find that the tenants have been sufficiently served with the documents pursuant Section 71 to the *Act*.

At the outset of the hearing the landlord testified the tenants had vacated the rental unit in either late July or early August 2013 and as such the landlord now has possession of the rental unit and no longer requires 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; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 67, and 72 of the *Act*.

Background and Evidence

The landlord testified the tenancy began on July 1, 2006 as a month to month tenancy for a current monthly rent of \$1,350.00 due on the 1st of each month with a security deposit of \$600.00 paid.

The landlord submits the tenants failed to pay rent for the month of July 2013 and as such he issued them a 10 Day Notice to End Tenancy for Unpaid Rent but that they failed to move on the effective date of the Notice. The landlord testified that the tenants also did not pay rent for the month of August 2013.

Analysis

Based on the landlords undisputed testimony I find the tenants have failed to pay rent for the month of July 2013 and that as the landlord has no knowledge of when the tenants actually did vacate the rental property, I find that he is entitled to receive rent for the month of August 2013.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$2,750.00** comprised of \$2,700.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$619.71 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$2130.29**.

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: August 29, 2013

Residential Tenancy Branch