



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OPR, FF

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlords for an order of possession, a monetary order and an order to recover the filing fee for the Application.

Only one of the Landlords appeared at the hearing. They gave affirmed testimony and were provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

The Landlord testified he served the Tenant with the Notice of Hearing and Application in person on July 4, 2013. Despite this the Tenant did not appear at the hearing. I find the Tenant has been duly served in accordance with the Act.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary Issue

The Landlord testified that the Tenant vacated the rental unit on July 4 or 5, 2013. Therefore, an order of possession is not required and that portion of the Application is dismissed.

### Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlords to monetary relief?

### Background and Evidence

Based on the affirmed testimony of the Landlord, I find that the Tenant was served with a 10 day Notice to End Tenancy for non-payment of rent of \$500.00 due on March 1, 2013, by posting on the door of the rental unit on June 18, 2013.

The Tenant did not pay the outstanding rent and did not apply to dispute the Notice and is therefore conclusively presumed under section 46(5) of the Act to have accepted that the tenancy ended on the effective date of the Notice. The Landlord testified the Tenant vacated the rental unit on or about July 4 or 5, 2013.

The Landlord testified that the Tenant did not pay the rent of \$500.00 per month, for the months of March, April, May, June and July 2013.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

Although the Landlords are entitled to an order of possession in these circumstances, the Tenant has vacated the rental unit and therefore, an order of possession is no longer required.

I find that the Tenant has failed to pay rent under the Act and tenancy agreement. As the Tenant did not pay rent for July but was still in the rental unit, I award the Landlord the rent for July, as well as March, April, May and June of 2013, in the amount of **\$2,500.00**

I find the Landlords have established a total monetary claim of **\$2,550.00** comprised of the rent owed for March to July 2013, and the \$50.00 fee paid by the Landlords for this application.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

I note the Landlord testified the Tenant had damaged the rental unit; however, those claims were not made in the Application before me. The Landlords may make another Application for further monetary orders for the alleged damages.

Conclusion

The Tenant failed to pay rent and did not file to dispute the Notice to End Tenancy, and vacated the rental unit. Therefore, an Order of Possession is not required.

The Landlords are granted a monetary order for rent due and the filing fee for the Application and have leave to apply for further monetary compensation.

This decision is final and binding on the parties, unless otherwise provided under the Act, and is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: August 01, 2013

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Residential Tenancy Branch

