



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bristol Estates
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlord's application for dispute resolution under the Residential Tenancy Act (the "Act") for an order of possession for the rental unit due to unpaid rent, a monetary order for unpaid rent and money owed or compensation for damage or loss, for authority to retain the tenants' security deposit and to recover the filing fee.

The parties appeared, the hearing process was explained and they were given an opportunity to ask questions about the hearing process.

The landlord's agent (hereafter "landlord") appeared; the tenants did not appear.

The landlord gave evidence that she served each tenant with their Application for Dispute Resolution and Notice of Hearing by leaving it with each tenant on August 14, 2013. The landlord supplied the evidence of each tenant's signature confirming delivery of the hearing documents.

I find the tenants were served notice of this hearing in a manner complying with section 89 of the Residential Tenancy Act (the "Act") and the hearing proceeded in the tenants' absence.

The landlord was provided the opportunity to present her evidence orally and to refer to relevant documentary evidence submitted prior to the hearing, and make submissions to me.

I have reviewed all oral and written evidence before me that met the requirements of the Dispute Resolution Rules of Procedure (Rules); however, I refer to only the relevant evidence regarding the facts and issues in this decision.

Issue(s) to be Decided

Is the landlord entitled to an order of possession for the rental unit due to unpaid rent, a monetary order and to recover the filing fee?

Background and Evidence

The landlord gave evidence that this tenancy began on March 1, 2009, current monthly rent is \$670 and a security deposit and pet damage deposit of \$327.50 each was paid by the tenants at the beginning of the tenancy.

The landlord gave evidence that on August 2, 2013, the tenants were served with a 10 Day Notice to End Tenancy for Unpaid Rent (the "Notice"), by posting it on the tenants' door, listing unpaid rent of \$330 as of August 1, 2013. The effective vacancy date listed on the Notice was August 13, 2013.

Section 90 of the Act states that documents served by posting on the door are deemed delivered three days later. Thus the tenants were deemed to have received the Notice on August 5, 2013, and the effective move out date is automatically changed to August 15, 2013, pursuant to section 53 of the Act.

The Notice informed the tenants that the Notice would be cancelled if the rent was paid within five days. The Notice also explained that alternatively the tenants had five days to dispute the Notice by making an application for dispute resolution.

The landlord stated that the tenants have made payments of rent since issuance of the Notice, and as of the date of the hearing, the tenants owed \$25 in unpaid rent and \$25 for a late payment fee.

The landlord stated she was seeking a monetary order in the amount of \$100, for the unpaid rent of \$25, the late fee of \$25, and the filing fee of \$50, and that due to the tenants' payments, she was no longer seeking an order of possession for the rental unit.

I have no evidence before me that the tenants applied to dispute the Notice.

Analysis

Based on the oral and written evidence and on a balance of probabilities, I find as follows:

I find that the landlord provided sufficient undisputed evidence that the tenants owe the amount of \$50 in unpaid rent and a late fee, and that they are therefore entitled to a monetary order of \$100, which also includes the \$50 filing fee paid by the landlord for this application.

Conclusion

I grant the landlord a final, legally binding monetary order pursuant to section 67 of the Act for the amount of \$100, which I have enclosed with the landlord's Decision.

Should the tenants fail to pay the landlord this amount without delay after being served the order, the order may be filed in the Provincial Court of British Columbia (Small Claims) for enforcement as an order of that Court. The tenants are advised that costs of such enforcement are recoverable from the tenants.

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* and is being mailed to both the applicant and the respondents.

Dated: September 20, 2013

Residential Tenancy Branch

