



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNR, O, OPR

### Introduction

This is an application for an Order of Possession and an application for a Monetary Order for \$10,800.00.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on December 6, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The respondents have vacated the rental unit prior to the hearing and therefore an Order of Possession is not required.

The issue therefore is whether or not the applicant's established a monetary claim for \$10,700.00, and the \$100.00 filing fee, for a total of \$10,800.00.

### Background and Evidence

The applicant testified that:

- This tenancy began on April 1, 2012 with the monthly rent of \$2500.00.
- The tenants failed to pay rent for the months of August 2013 through November 2013 and subsequently vacated pursuant to a Notice to End Tenancy.
- The tenants vacated on November 25, 2013, however there was rent outstanding for the months of August through November 2013 totaling \$10,000.00.

- He is therefore requesting a Monetary Order for the outstanding \$10,000.00, and is asking for \$700.00 interest on the outstanding amount.

### Analysis

It's my finding that the applicant has shown that rent has not been paid for the months of August 2013 through November 2013 at a rate of \$2500.00 per month.

I therefore allow the landlords request for an order for that outstanding \$10,000.00.

I also allow the request for recovery of the \$100.00 filing fee.

I will not however allow the request for interest on the outstanding amount, as there is nothing in the Residential Tenancy Act requiring the interest be paid on outstanding rent.

### Conclusion

As stated above an Order of Possession is not required as the tenants have vacated.

I have issued a Monetary Order in the amount of \$10,100.00.

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: January 06, 2014

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Residential Tenancy Branch