



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR; MNR

Introduction

This is the Landlords' application for an Order of Possession and a Monetary Order for unpaid rent.

The parties gave affirmed testimony at the Hearing.

The Landlord GK testified that he mailed the Notice of Hearing documents and copies of the Landlords' documentary evidence to each of the Tenants, by registered mail to the rental unit, on April 8, 2014. GK provided the tracking numbers for the registered documents and stated that the Tenant AH's package was returned unclaimed.

The Tenant KA acknowledged service of the documents and stated that the Tenant AH was still living at the rental unit. The Tenants did not provide documentary evidence to the Branch or to the Landlords.

I am satisfied that both Tenants were duly served with the documents pursuant to the provisions of Section 89(1)(c) of the Act. The matter proceeded against both Tenants.

Preliminary Matters

The Landlords' application indicates that they are seeking a monetary award for unpaid rent to and including February's rent in the total amount of \$3,895.00. GK sought to amend his application to include unpaid rent for March, April and May, 2014. The KA did not object. I amended the Landlords' application accordingly and the Landlords' monetary claim is now \$7,045.00.

Issues to be Decided

- Are the Landlords entitled to an Order of Possession and Monetary Order pursuant to the provisions of Sections 55 and 67 of the Act?

Background and Evidence

The Tenants were served with a 10 Day Notice to End Tenancy on February 17, 2014, a copy of which was provided in evidence. This is an undisputed Notice. KA stated that the Tenants agree that they owe the Landlords rent in the amount of \$7,045.00. KA stated that she wished to negotiate a payment schedule.

The GK stated that he would consider it, but that the Tenants had promised to pay outstanding rent in the past and had not complied with their agreement. GK stated that he would have discussions with both Tenants to see if they could come to an agreement, but in the meantime he requested an Order of Possession and a Monetary Order.

Analysis

Based on the testimony of both parties, pursuant to the provisions of Section 46(5) of the Act, I find that the Tenants are conclusively presumed to have accepted that the tenancy ended on February 27, 2014. The Tenants are overholding and I find that the Landlords are entitled to an Order of Possession effective 2 days after service of the Order upon the Tenants.

I further find, based on the testimony of both parties, that the Landlords are entitled to a Monetary Order in the amount of \$7,045.00 for unpaid rent.

I caution the Landlords that although they may choose not to enforce the enclosed Orders, they have a requirement under Section 7(2) of the Act to mitigate or minimize their loss of revenue.

Conclusion

I hereby provide the Landlords with an Order of Possession effective **2 days after service of the Order upon the Tenants**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby provide the Landlords with a Monetary Order in the amount of **\$7,045.00** for service upon the Tenants. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and 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: May 30, 2014

Residential Tenancy Branch

