



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPB, MNR, 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.

The landlord testified 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 in accordance with Section 89. The landlord testified the tenant's refused to accept the registered mail.

The landlord also testified that she had hired a bailiff to have the tenant's removed from the property as per the order of possession she received in a decision on May 7, 2014. Because the tenants had refused the registered mail service she had the bailiff deliver the hearing packages to each of the tenants.

Based on the testimony of the landlord, I find that each tenant has been sufficiently served with the documents pursuant to Section 71(2) of the *Act*.

The landlord acknowledged at the start of the hearing that she had been issued an order of possession against these tenants at a previous hearing held on May 7, 2014 and that she has enforced that order of possession. As such, I find the landlord's request for an order of possession is moot and I amend her Application to exclude the matter of possession.

I also noted with the landlord at the outset of the hearing that despite the tenants moving into the rental unit in August of 2011 the tenancy agreement for the period of August 1, 2011 to August 2013 named a different person as the tenant and as such I

would only consider the landlord's claim against these tenants for the tenancy beginning on September 1, 2013.

Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent and utilities and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 67, and 72 of the *Act*.

Background and Evidence

The landlord submitted into evidence a copy of the most recent tenancy agreement signed by the parties on October 22, 2013 for 2 year fixed term tenancy beginning on September 1, 2013 for a monthly rent of \$1,700.00 due on the 1st of each month.

The landlord submits the tenants were physically removed from the rental unit on May 26, 2014 in accordance with an order of possession obtained by the landlord because of she had issued a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord submits the tenants failed to pay \$1,400.00 in rent for the month of April 2014 and paid nothing for the month of May 2014. The landlord has also provided documentary evidence that the tenants failed to pay charges for septic servicing in the amount of \$325.00 and utilities totalling \$1,115.05. The landlord has provided additional evidence that she has been held responsible for these payments.

Analysis

Based on the undisputed testimony of the landlord and the fact that the tenancy ended as a result of the landlord's issuance of a notice to end tenancy for the non-payment of rent I find the tenant's failed to pay rent in the amounts described by the landlord.

In addition, based on the undisputed testimony and documentary evidence provided by the landlord I accept the tenants failed to pay any utility or septic charges during their tenancy and as a result the landlord has suffered a loss in the amounts described above.

Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$4,640.05** comprised of \$3,100.00 rent owed;

\$325.00 septic charges; \$1115.05 utilities; and the \$100.00 fee paid by the landlord for this application.

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: June 24, 2014

Residential Tenancy Branch

