



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Thames Investments Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

### Dispute Codes

OPR, MNR, MNSD, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent.

The landlord attended the teleconference hearing and gave evidence, however the tenants did not attend. The landlord gave evidence that they served the tenants with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by registered mail on July 4, 2014. The landlord gave evidence that they mailed the documents to the rental unit address because, as far as they knew, the tenants were still there. Her evidence is that tenant WS was seen in the building hallway after that date. I find the tenants were properly served.

The landlord advised that the tenants have moved out and she no longer requires an order of possession.

### Issue(s) to be Decided

Is the landlord entitled to a monetary order as claimed?

### Background and Evidence

The tenancy agreement signed by the parties on February 24, 2014 indicates the tenancy started March 1, 2014 and was a fixed term tenancy until February 28, 2015. The tenants are obligated to pay rent of \$1,400.00 monthly in advance by the first day of the month, and they paid a security deposit of \$700.00.

The landlord gave evidence that the tenants were served with a Notice to End Tenancy for Unpaid Rent (the "Notice") by posting the Notice on the tenants' door on June 17, 2014. Section 90 provides that a notice served in this manner is deemed to be received by the tenants three days later. The Notice states the tenants failed to pay rent of \$850.00 that was due June 1, 2014. The landlord gave evidence that the tenants had \$150.00 unpaid rent outstanding from March 2014 and \$700.00 unpaid rent outstanding from May 2014 at the date of the Notice. The tenants paid \$1,400.00 on June 6, 2014 for June 2014.

The landlord gave evidence that the tenants made no further payments after the Notice was served. She says the tenants did not indicate to the landlord when they would vacate the rental unit. She spoke with tenant WS on July 18, 2014 and he told her they had moved out. Her evidence is that the tenants did not return their building keys or the garage remote, and left the rental unit in need of cleaning.

### Analysis

I find the tenants received the Notice on June 20, 2014. I accept the landlord's evidence that tenant WS was seen in the building after July 4, 2014. I find the tenants vacated the rental unit sometime between then and July 18, 2014. Since the tenants occupied the rental unit for at least part of July 2014 and the rental unit required cleaning before it could be shown to prospective new tenants, I find the landlord is entitled to recover a rental loss of \$1,400.00 for the month of July 2014.

The landlord is entitled to recover unpaid rent of \$150.00 (March 2014), \$700.00 (May 2014), and \$1,400.00 (July 2014), for a total of \$2,250.00. The landlord is also entitled to recover their filing fee of \$50.00.

I find the landlord is not entitled to recover the cost of the lost building keys or remote, since the tenants have not had proper notice of that claim. That claim is therefore dismissed with leave to reapply.

The total amount due the landlord is \$2,300.00. I order that the landlord retain the security deposit of \$700.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,600.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### Conclusion

I grant the landlord a monetary order of \$1,600.00. The landlord is also entitled to retain the security deposit.

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: September 16, 2014

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Residential Tenancy Branch

