



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes

OPR, MNR, MNDC, FF

Introduction

This is the Landlords' Application for an Order of Possession and a Monetary Order for unpaid rent; compensation for damage or loss under the Act, regulation or tenancy agreement; and to recover the cost of the filing fee from the Tenant.

Both parties signed into the teleconference and gave affirmed testimony.

There were no issues identified with respect to service of the Notice of Hearing documents or the Landlords' documentary evidence.

Issue(s) to be Decided

Are the Landlords entitled to an Order of possession?

Are the Landlords entitled to monetary compensation for unpaid rent and loss of revenue?

Background and Evidence

The parties agreed on the following facts:

This tenancy started on May 1, 2014. Monthly rent is \$800.00, due on the first day of each month. The Tenant paid a security deposit in the amount of \$400.00 on or about April 15, 2014.

The Tenant did not pay rent when it was due on July 1, 2014. The Landlords issued a Notice to End Tenancy for Unpaid Rent and served the Tenant with the Notice on July 4, 2014.

The Tenant paid \$400.00 to the Landlords towards the unpaid rent on August 4, 2014. The Tenant has not paid anything else towards arrears and is still living in the rental unit.

Analysis

I accept that the Tenant was served with Notice to End Tenancy on July 4, 2014.

I find that the Tenant failed to pay the rent owed in full within the 5 days granted under Section 46 (4) of the Act. The Tenant does not dispute that she owes \$400.00 for the month of July, 2014, and that she has not paid any rent for August or September, 2014.

Based on the foregoing, I find that the Tenant is conclusively presumed under Section 46(5) of the Act to have accepted that the tenancy ended on July 14, 2014. I find that the Landlord is entitled to a monetary award for unpaid rent for July, 2014, in the amount of \$400.00. I further find that the Tenant is overholding and that the Landlord is entitled to compensation for loss of revenue for the months of August and September, 2014, in the total amount of \$1,600.00.

During the course of the Hearing, the Landlord GS asked to apply the security deposit towards their monetary award. Further to the provisions of Section 72 of the Act, I order that the Landlords do so.

The Landlords have been successful in their application and I find that they are entitled to recover the cost of the filing fee from the Tenant.

I hereby provide the Landlords with a Monetary Order, calculated as follows:

Unpaid rent for July, 2014	\$400.00
Loss of revenue for August and September, 2014	\$1,600.00
Recovery of filing fee	\$50.00
Less set off of security deposit	<u><\$400.00></u>
TOTAL	\$1,650.00

Conclusion

Pursuant to the provisions of Section 55 of the Act, I hereby provide the Landlords with an Order of Possession effective **two days after service** of the Order upon the Tenant. This Order may be filed in the Supreme Court and enforced as an Order of that Court.

Pursuant to the provisions of Section 67 of the Act, I hereby provide the Landlords with a Monetary Order in the amount of **\$1,650.00** for service upon the Tenant. This Order may be filed in the Provincial Court (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: September 30, 2014

Residential Tenancy Branch

