



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Prince George Metis Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, 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's agent only.

The landlord provided documentary evidence that confirms 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 on September 12, 2014 in accordance with Section 89. As per Section 90, the documents are deemed received by each tenant on the 5<sup>th</sup> day after it was mailed.

Based on the documentary evidence of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlords' agent noted at the outset of the hearing that the tenants have abandoned the rental unit on or before October 1, 2014. As such, the landlord no longer requires an order of possession and I amend the landlord's Application to exclude the matter of possession.

### Issue(s) to be Decided

The issues to be decided are whether the landlord is entitled to a monetary order for unpaid rent and to recover the filing fee from the tenant for the cost of the Application for Dispute Resolution, pursuant to Sections 46, 55, 67, and 72 of the *Act*.

### Background and Evidence

The landlord submitted into evidence the following documents:

- A copy of a tenancy agreement signed by the parties on June 29, 2012 for a 6 month fixed term tenancy beginning on July 1, 2012 that converted to a month to month tenancy on January 1, 2013 for the monthly rent of \$353.00 due on the 1<sup>st</sup>

of each month with a security deposit of \$420.00 paid. The landlord explained the market rent was \$500.00; and

- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on August 14, 2014 with an effective vacancy date of August 24, 2014 due to \$500.00 in unpaid rent.

The landlord submits the tenants failed to pay the full rent amount for the month of August 2014 and the tenants were issued a 10 Day Notice to End Tenancy by placing it in the tenants' mailbox on August 14, 2014 at 4:00 p.m. and that this service was witnessed by a third party.

The Notice states the tenants had five days to pay the rent or apply for Dispute Resolution or the tenancy would end. The tenants did not pay the rent in full or apply to dispute the Notice to End Tenancy within five days. The landlord submits that in addition the tenants have not paid rent for the months of September or October 2014.

### Analysis

Based on the landlord's undisputed evidence and testimony I find the tenants have failed to pay the landlord rent for the months of August, September and October 2014. As the tenants failed to provide any indication to the landlord that they would be vacating before the beginning of October I find the landlord has suffered a loss of revenue.

### Conclusion

I find the landlord is entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$1,550.00** comprised of \$1,500.00 rent owed and the \$50.00 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: October 30, 2014

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Residential Tenancy Branch

