



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR MNR

### Introduction

This hearing dealt with an Application for Direct Request filed by the Landlords on September 3, 2014, to obtain an Order of Possession and a Monetary Order for unpaid rent or utilities.

The Direct Request Ex Parte Proceeding was conducted on September 18, 2014, after which an interim decision was issued sending this matter to a participatory hearing. The participatory hearing was conducted via teleconference and was attended by the Landlord.

The Landlord provided affirmed testimony that he had personally served the Tenant with Notice of the Direct Request proceeding on September 3, 2014. He stated that he received the Interim Decision on September 28, 2014 and by that time the Tenant had already vacated the rental property.

### Issue(s) to be Decided

Is the Landlord entitled to a Monetary Order?

### Background and Evidence

The Landlord submitted evidence that the Tenant entered into a written month to month tenancy agreement that began on June 1, 2014. The Tenant was required to pay rent of \$950.00 and on May 20, 2014 the Tenant paid \$250.00 towards the security deposit.

The Landlord testified that on August 19, 2014, he served the Tenant a 10 Day Notice when it was posted to the Tenant's door. The Notice indicated that the Tenant owed \$475.00 in unpaid rent that was due August 1, 2014 and \$193.56 in unpaid utilities that were due on July 29, 2014.

### Analysis

When a tenant receives a 10 Day Notice to end tenancy for unpaid rent they have (5) days to either pay the rent in full or to make application to dispute the Notice or the tenancy ends.

In this case the Tenant is deemed to have received the 10 Day Notice on August 22, 2014, three days after it was posted, and the effective date of the Notice is **September 1, 2014**, in accordance with section 90 of the Act.

The evidence supports that the Tenant did not pay the full amount owed within the required five day period and she vacated the unit by September 28, 2014. Based on the foregoing I find the Landlord's request for an Order of Possession is now moot as he has regained possession of the unit.

The Landlord claimed \$668.56 in unpaid rent and utilities and provided evidence that the Tenant failed to pay the rent and utilities in accordance with section 26 of the Act. Accordingly, I grant the Landlord a monetary order for **\$668.56**.

### Conclusion

The Landlords have been awarded a Monetary Order for **\$668.56**. This Order is legally binding and must be served upon the Tenant. In the event that the Tenant does not comply with this Order it may be filed with the Province of British Columbia Small Claims Court 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: November 06, 2014

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Residential Tenancy Branch

