



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNSD, MNDC, FF

Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by one of the landlords.

The landlords provided documentary evidence to confirm 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 October 17, 2014 in accordance with Section 89. As per Section 90, the documents are deemed received by each tenant on the 5th day after it was mailed.

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

At the outset of the hearing the landlord testified the tenants had vacated the rental unit on or before October 26, 2014. The landlord amended her Application to exclude the matter of the security deposit and possession. I accept this amendment.

Issue(s) to be Decided

The issues to be decided are whether the landlords are entitled to a monetary order for unpaid rent 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 landlords the tenancy began as a month to month tenancy beginning on August 15, 2013 for the monthly rent of \$1,050.00 plus \$100.00 for hydro and \$45.00 for natural gas due on the 1st of each month and a security deposit of \$525.00 was paid.

The landlords submitted into evidence a copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on October 2, 2014 with an effective vacancy date of October 11, 2014 due to \$1,050.00 in unpaid rent and \$144.00 in unpaid utilities.

Documentary evidence filed by the landlord indicates the tenants failed to pay the full rent and utilities owed for the month of October 2014 and that the tenants were served the 10 Day Notice to End Tenancy for Unpaid Rent by personal service to the female tenant on October 2, 2014 at 2:00 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.

Analysis

Based on the landlord's undisputed evidence and testimony I find the tenants failed to pay rent and utilities for the month of October 2014 as required under the tenancy agreement and in the amount of \$1,050.00 rent and \$144.00 utilities, as claimed by the landlord.

Conclusion

I find the landlords are entitled to monetary compensation pursuant to Section 67 and grant a monetary order in the amount of **\$1,244.00** comprised of \$1,050.00 rent owed; \$144.00 utilities owed and the \$50.00 fee paid by the landlords for this application.

This order must be served on the tenants. If the tenants fail to comply with this order the landlords 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: November 27, 2014

Residential Tenancy Branch

