



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, RP, OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlords for an order of possession and a monetary order and an application from the tenants for an order setting aside a notice to end this tenancy and orders compelling the landlords to comply with the Act and perform repairs.

The tenants did not participate in the conference call hearing. As they did not appear to advance their claim, their claim is dismissed. The hearing dealing with the landlords' claim continued as the landlords were able to prove that they served the tenants with the application for dispute resolution and notice of hearing via registered mail sent on December 18.

Issue to be Decided

Are the landlords entitled to an order of possession as claimed?
Are the landlords entitled to a monetary order as claimed?

Background and Evidence

The landlords' undisputed evidence is as follows. The tenancy began on August 1, 2014 and rent was set at \$1,410.00 per month. The tenants failed to pay rent on December 1 and on December 5 the landlords served them with a 10 day notice to end tenancy for unpaid rent (the "Notice") by placing it in their mailbox. The tenants also failed to pay rent in January and did not vacate the rental unit. The tenants paid rent for December on January 6, 2015.

Analysis

I accept the landlords' undisputed testimony and I find that the tenants were obligated to pay \$1,410.00 per month in rent. I find that they did not pay their rent on December 1,

that they received the Notice on December 8, 3 days after it was placed in their mailbox, and did not pay the arrears until more than one month after they were due. I find that the landlords have established grounds to end the tenancy and I grant them an order of possession which may be filed in the Supreme Court for enforcement.

I find that the tenants failed to vacate the rental unit in accordance with the Notice and I find that the landlords suffered a loss of income for January as a result. I find that the tenants are liable for that loss and I award the landlords \$1,410.00.

As the landlords have been successful in their claim, I find that they should recover the \$50.00 filing fee paid to bring their application and I award them \$50.00 for a total award of \$1,460.00. I grant the landlords a monetary order under section 67 for this sum. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenants' claim is dismissed. The landlords are granted an order of possession and a monetary order for \$1,460.00.

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: January 12, 2015

Residential Tenancy Branch

