



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: CNR, CNL, RR, MNDC, ERP, RP, LRE, MNR, MNSD, OPR, OPL,FF

Introduction:

This was an application by the tenants for an Order to cancel a Notice to End the Tenancy for Landlord Use dated November 27, 2014 and a Notice to end the Tenancy for non-payment of rent dated December 11, 2014, an Order to recover a rent increase, a monetary Order for cost of repairs and purchased appliances, compensation for no heat, an Order to make repairs, and limit the landlords' right of access. This was also an application by the landlords for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim pursuant to the aforesaid Notices. Only the landlord MB attended the application.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlord MB advised at the outset of the hearing that the tenants had moved out without notice on January 6, 2015 and therefore the landlords no longer required an Order for Possession. MB testified that the tenancy began on February 1, 2011 with rent currently in the amount of \$ 1,600.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 600.00 on February 1, 2011. MB testified that she served the dispute resolution package by sending it by registered mail to the tenants on December 17, 2014. MB testified that the arrears from November 2014 through January 2015 are \$ 4,800.00. MB testified that the landlords did not attempt to re-rent the unit as it was sold with the purchasers to take possession on February 1, 2015.

Analysis:

Based on the evidence of MB and with reference to Canada Post's web site, I find that the application for Dispute Resolution was served on December 18, 2014 by registered mail. I find that the tenants have not paid all the outstanding rent. I find that the landlords have established a claim for unpaid rent totalling \$ 4,800.00 and the filing fee of \$ 50.00.

Conclusion:

I order that the landlords retain the deposit and interest of \$ 600.00 and I grant the landlords an order under section 67 for the balance due of **\$ 4,250.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. I have dismissed all of the tenants' applications. This Decision and all Orders must be served on the tenant as soon as possible.

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 13, 2015

Residential Tenancy Branch

