



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MND, FF

Introduction

This was the hearing of an application by the landlords for an order for possession pursuant to a Notice to End Tenancy for cause and for a monetary award for damage to the rental property. The hearing was conducted by conference call. The landlords and the tenants called in and participated in the hearing.

Issue(s) to be Decided

Are the landlords entitled to an order for possession?

Are the landlords entitled to a monetary award and if so, in what amount?

Background and Evidence

The rental unit is a house in Surrey. The tenancy began December 1, 2014. The landlords served the tenants with a one month Notice to End Tenancy for cause dated February 24, 2015. The Notice required the tenants to move out of the rental unit by March 31, 2015. The tenants did not apply to dispute the Notice to End Tenancy. They are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice to End Tenancy.

At the hearing the tenants said that they moved out of the rental unit on April 3, 2015, however, the landlords testified that as late as April 16th they observed people occupying the rental unit. The landlord testified that he spoke to an individual at the rental unit who claimed to have paid rent to the tenants and received permission from the tenant to occupy the rental unit or some portion of the rental property.

The tenant said that she had not sublet the rental unit and suggested that the person living there might be a squatter.

The landlords sought a monetary award of \$2,000.00 for damage to the rental property, but they have not submitted any documentary evidence to support a claim for damages and I note that the claim for damages was made before the tenants moved out of the rental unit.

Analysis

The tenants claimed to have moved out of the rental unit, but I accept the landlords' evidence that the property is still occupied. I find that the landlord are entitled to an order for possession effective two days after service upon the tenants or any occupants of the rental unit. This order may be registered in the Supreme Court and enforced as an order of that court.

The landlords' claim for a monetary award for damage to the rental unit is dismissed with leave to reapply.

Conclusion

The landlords have been granted an order for possession. They have leave to reapply for a monetary award. I make no award with respect to the filing fee for this application.

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: April 16, 2015

Residential Tenancy Branch

