



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, OPB, MNR, MNDC, MNSD, FF

### Introduction

This hearing concerns an application by the landlords for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. Both parties attended and gave affirmed testimony.

### Issue(s) to be Decided

Whether the landlords are entitled to the above under the Act, Regulation or tenancy agreement.

### Background and Evidence

Pursuant to a written tenancy agreement the original term of tenancy was from June 01, 2013 to June 01, 2014. Thereafter, tenancy continued on a month-to-month basis. Monthly rent of \$2,100.00 is due and payable in advance on the first day of each month and a security deposit of \$1,050.00 was collected.

The landlords issued a 10 day notice to end tenancy for unpaid rent dated March 17, 2015. Tenant "JL" confirmed receipt of the notice. A copy of the notice was submitted in evidence. The amount of rent shown as unpaid when due on March 01, 2015 is \$2,100.00. Subsequently, the tenants made no further payment toward rent and they vacated the unit on or about April 27, 2015. Landlord "KSBC" testified that the unit has been sold and that no efforts were undertaken to find new renters after the tenants vacated the unit. Tenant "JL" acknowledges that rent was unpaid for March and April 2015, and she testified that she has met with "T," who is the wife / partner of landlord "TQNL" in order to reach agreement around installment payments to discharge the debt.

### Analysis

Based on the documentary evidence and testimony of the parties I find that the tenants were served with a 10 day notice to end tenancy for unpaid rent dated March 17, 2015. Thereafter, the tenants made no payment toward the outstanding rent before vacating

the unit on or about April 27, 2015. As the tenants have vacated the unit, I consider the landlords' application for an order of possession to be withdrawn.

As for compensation, I find that the landlords have established a claim of **\$4,300.00**:

\$2,100.00: *unpaid rent for March*

\$2,100.00: *unpaid rent for April*

\$100.00: *filing fee*

I order that the landlords retain the security deposit of **\$1,050.00**, and I grant the landlords a **monetary order** for the balance owed of **\$3,250.00** (\$4,300.00 - \$1,050.00).

### Conclusion

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlords in the amount of **\$3,250.00**. Should it be necessary, this order may be served on the tenants, filed in the 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: May 11, 2015

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Residential Tenancy Branch

