



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capilano Property Management Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent and for a monetary award for unpaid rent and loss of rental income.

Neither tenant attended the hearing.

Issue(s) to be Decided

Have the tenants been served? If so, is the landlord entitled to the relief requested?

Background and Evidence

The rental unit is a two bedroom apartment. The tenancy started in February 2011. The monthly rent is \$1005.00 due on the first of each month in advance. The landlord holds a \$487.50 security deposit.

Mr. S. for the landlord testified that the application for dispute resolution and notice of hearing were served on the tenants by registered mail addressed to the dispute address. Canada Post records show that the tenant Mr. J.S. claimed and signed for both packages on April 5, 2015.

Mr. S. says that the ten day Notice to End Tenancy was seen by him to be posted on the tenants' door by a Ms. C. on April 2, 2015.

Mr. S. says that on May 19th, the tenants made a payment towards arrears owing and that as of this hearing date, the amount that would have been due for June rent remains unpaid.

Analysis

I find that the tenants were duly served with the Notice. That service was effective on April 5, 2015, according to s. 90 of the *Residential Tenancy Act* (the “Act”). The tenants did not pay the amount demanded in the Notice within the permitted five day period and as a result, by operation of s. 46 of the *Act*, this tenancy ended on April 16, 2015.

The landlord is therefore entitled to an order of possession.

I find that the tenants were duly served with the application and notice of hearing. On the uncontested evidence of Mr. S. for the landlord, I grant it a monetary award of \$1005.00 as damages for loss of rental income it would have normally received for the month of June, plus recovery of the \$50.00 filing fee.

I authorize the landlord to retain the \$487.50 security deposit in reduction of the amount awarded. There will be a monetary order against the tenants for the remainder.

Conclusion

The landlord’s application is allowed. It will have an order of possession and a monetary order in the amount of \$567.50 against the tenants.

It is noted that Mr. S. for the landlord indicated an arrangement with the tenants to forgo eviction in the event of a payment by a certain date.

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: June 03, 2015

Residential Tenancy Branch

