



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, O, FF

### Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy and for a monetary award for unpaid rent up to the date of this hearing.

Neither tenant attended the hearing.

### Issue(s) to be Decided

Have the tenants been served? Does the relevant evidence presented by the landlord at hearing show on a balance of probabilities that the landlord is entitled to any of the relief requested?

### Background and Evidence

The rental unit is a two bedroom basement suite in a house. The upper portion of the home is rented to others. The tenancy started in July 2014 for a fixed term ending June 30, 2015 and at which time, in accordance with the terms of the tenancy agreement, the tenants are obliged to vacate, unless a further tenancy is negotiated.

The monthly rent is \$950.00, due on the first of each month, in advance. The landlord holds a \$450.00 security deposit.

Mr. H. for the landlord testifies that he affixed the ten day Notice to the tenants' door on April 10, 2015 and that the tenants did not apply to dispute the Notice or pay the \$1093.44 demanded in it within the following five days after receipt.

Mr. H. testified that the application for dispute resolution and notice of hearing were served on each tenant by registered mail to the dispute address. He provided Canada

Post receipts and tracking numbers which disclose that both pieces of mail were received by the recipients on May 1, 2015 and signed for by "J.J."

He indicates that since then the tenants have paid \$1420.00 on May 5, 2015 towards rent.

### Analysis

On Mr. H.'s evidence I find that the ten day Notice was duly served and deemed to have been received by the tenants on April 12, 2015. They did not pay the money demanded or apply to cancel the Notice within the permitted five day period and as a result, by operation of s. 46 of the *Residential Tenancy Act* (the "Act") this tenancy ended on April 23, 2015. The landlord will have an order of possession.

I award the landlord \$1093.44 for unpaid April rent, \$1900.00 for loss of May and June rental income, plus the \$50.00 filing fee and less the \$1420.00 paid on May 5, for a total of \$1623.44.

I authorize the landlord to retain the \$450.00 security deposit in reduction of the award. There will be a monetary order against the tenants for the remainder of \$1173.44

### Conclusion

The landlord's application is allowed.

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 10, 2015

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Residential Tenancy Branch

