



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, O

Introduction

This is an application brought by the Landlord(s) requesting a monetary order for outstanding rent, and requesting recovery of the \$50.00 filing fee

The applicant testified that the respondent(s) were served with notice of the hearing by personal service on August 6, 2015, and were also served by registered mail that was mailed on August 6, 2015, however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing, by two separate methods.

I therefore conducted the hearing in the respondent's absence.

The applicant's testimony was taken under affirmation

Issue(s) to be Decided

The issue is whether or not the applicant has established monetary claim against the respondent for outstanding rent, and if so in what amount.

Background and Evidence

This tenancy began on December 1, 2014 with a monthly rent of \$995.00, and \$5.00 for cable television for a total of \$1000.00.

The tenants had signed a mutual agreement to vacate the rental unit on August 31, 2015, however they failed to do so and as a result the landlord had to have the tenants removed with an Order of Possession.

The tenants eventually vacated the rental unit on September 4, 2015.

The tenants did not pay any rent for the month of August 2015, nor did they pay any rent for the month of September 2015.

The tenants also threatened not to vacate the rental unit, or return the keys, unless their security deposit was returned, and therefore the landlords returned the full security deposit.

The landlord is therefore requesting a monetary order for the outstanding rent, and recovery of the \$50.00 filing fee.

Analysis

It is my finding that the landlord has shown that the tenants failed to pay the August 2015 rent, and I therefore allow the landlords request for outstanding rent for the month of August 2015 in the amount of \$1000.00.

It is also my decision that the tenants must also pay the \$1000.00 September 2015 rent, as they failed to vacate the rental unit until September 4, 2015 and therefore they should reasonably have anticipated that, another month's rent would be due. I also find it very unlikely that the landlord will be able to re-rent the unit before October of 2015.

I also allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

I have issued an order for the respondents to pay \$2050.00 to the applicants.

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: September 08, 2015

Residential Tenancy Branch

