



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 696591 BC LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPC, MNR, MNDC, MNSD, FF

Introduction

The landlords apply for an order of possession pursuant to a one month Notice to End Tenancy dated July 6 2015 and for a monetary award for loss of rent.

The tenant did not attend the hearing within sixteen minutes after its scheduled start time.

Issue(s) to be Decided

Has the tenant been duly served with the application and notice of hearing? If so, are the landlords entitled to any of the relief claimed?

Background and Evidence

According to Ms. F. for the landlords, the rental unit is a three bedroom apartment. The tenant assumed the tenancy of her grandmother, the previous tenant, about four years ago. The current monthly rent is \$782.00, due on the first of each month. The landlords hold a \$320.00 security deposit, paid by the tenant's grandmother October 1, 2006.

Ms. F. testifies that she served the tenant, who is known to her, with the application and notice of hearing by hand on August 26, 2015. She further says that since then she has been in touch with an advocate for the tenant, concerning the matters raised by the application.

On this evidence I find that the tenant has been duly served.

Analysis

On the undisputed evidence I find that the tenant was served with the Notice to End Tenancy on July 6, 2015 and has not applied to dispute it. As a result, by operation of s. 47 of the *Residential Tenancy Act*, this tenancy ended on August 31, 2015. The tenant is still in possession and so I grant the landlords an order of possession.

I find that the tenant is overholding and that the landlords have suffered a loss of rental income from the months of September and October 2015. I award the landlords \$1564.00 as damages plus the \$50.00 filing fee for this application.

I authorize the landlords to retain the \$320.00 security deposit and interest of \$10.09 in reduction of the amount awarded. There will be a monetary order against the tenant for the remainder of \$1283.91.

Conclusion

The application is allowed as presented.

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: October 21, 2015

Residential Tenancy Branch

