



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding B + K HOLDINGS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, RP, OPR, MNR, MNSD, FF

Introduction

In the first application the tenants seek to cancel a ten day Notice to End Tenancy for unpaid rent and for a repair order regarding a heater.

In the second application the landlords seek an order of possession pursuant to the ten day Notice and a monetary award for unpaid rent and loss of rental income.

Neither tenant attended the hearing within ten minutes after its scheduled start time. The landlord Ms. S. attended and was ready to proceed. The tenants' application is therefore dismissed.

The landlords have proved service of the application and notice of hearing on each tenant sent to the rental unit address, which the tenants continue to occupy. Canada Post records show the registered mail was sent October 16, 2015 and went "unclaimed by recipient" for each.

Section 90 of the *Residential Tenancy Act* (the "*Act*") provides that the tenants are deemed to have received the mailing after five days. I therefore determine that the tenants have been duly served with the landlords' application and notice of hearing.

As the result of the Notice, by operation of s. 46 of the *Act*, this tenancy ended on October 13, 2015 and the landlords are entitled to an order of possession.

On the undisputed evidence of Ms. S. I find that the tenants owe rent for October and November 2015 in the amount of \$1800.00.

The landlords' claim for anticipated rental loss for the month of December is premature. I grant them leave to re-apply should such a loss occur.

I grant the landlords a monetary award of \$1800.00 plus recovery of the \$50.00 filing fee. I authorize them to retain the \$450.00 security deposit in reduction of the amount awarded. There will be a monetary order against the tenants for the remainder of \$1450.00.

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: November 13, 2015

Residential Tenancy Branch

