



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPC, OPB, MND, MNR, MNSD, FF, O.

### Introduction

The landlords apply for an order of possession pursuant to a ten day Notice to End a Tenancy for unpaid rent and utilities and pursuant to a tenancy agreement requiring the tenants to move at the end of a fixed term. The landlords also seek a monetary award for unpaid rent and utilities as well as damages for repair to the premises.

At hearing the attending landlord withdrew the claim for damages, with the intention to re-apply once the tenancy has ended and the totality and details of that claim can be ascertained.

Neither tenant attended the hearing.

### Issue(s) to be Decided

Does the relevant evidence presented during the hearing show on a balance of probabilities that the tenants have been served and, if so, that the landlords are entitled to an order of possession or monetary award?

### Background and Evidence

According to the attending landlord Mr. K., the rental unit is a three bedroom portion of a five unit complex. The tenancy started September 1, 2014 for a one year fixed term and the tenants were required to vacate the premises at the end of the term. The monthly

rent is \$795.00, due on the first of each month in advance. The landlords hold a \$397.50 security deposit.

On the undisputed evidence of Mr. K., I find that both tenants were duly served with the application and notice of hearing. Mr. K. testifies that each was personally served on or about September 28, 2015. He testifies that each was also served by registered mail. Canada Post records of the mail shows that the mail to each tenant was "successfully delivered" on September 29, 2015.

The tenants have been served and did not file material or attend the hearing. I conclude that the landlords' application is unopposed.

On the undisputed evidence of Mr. K., I find that the tenants were served with a ten day Notice to End Tenancy on September 4, 2015 and neither disputed the Notice or paid the amounts of rent and utilities demanded in it. As a result, by operation of s. 46 of the *Residential Tenancy Act* (the "RTA") the tenancy ended ten days later; on September 14, 2015.

Further, on the undisputed evidence of Mr. K., I find that the tenancy was a fixed term tenancy ending August 31, 2015 and that the agreement required the tenants to vacate the premises at that time.

In either case, the tenancy has ended and the landlords are entitled to an order of possession.

On the undisputed evidence of Mr. K. I find that as of the September 24, 2015 date of this application the tenants owed the landlords \$172.00 for outstanding Hydro costs, \$500.00 for ten months of storage fees and \$100.00 for unpaid rents for the months of February and June 2015.

I grant the landlords a monetary award of \$772.00 plus recovery of the \$50.00 filing fee for this application. I authorize the landlords to retain the \$397.50 security deposit in reduction of the amount awarded. There will be a monetary order against the tenants for the remainder of \$424.50.

Analysis

The analysis is contained in Background and Evidence portion of this decision.

Conclusion

The landlords will have an order of possession and a monetary order in the amount of \$424.50.

This decision was rendered orally at hearing and 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 25, 2015

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Residential Tenancy Branch

