



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR; MNR; FF

Introduction

This is the Landlords' Application for Dispute Resolution seeking an Order of Possession; a Monetary Order for unpaid rent; and to recover the cost of the filing fee from the Tenant.

The Landlord PW gave affirmed testimony at the Hearing.

PW testified that the Notice of Hearing documents and copies of documentary evidence were mailed to the Tenant, via registered mail, to the rental unit on October 23, 2015. The Landlords provided a copy of the Canada Post receipt and tracking numbers in evidence. PW stated that a second package of documentary evidence was sent to the Tenant by registered mail on December 4, 2015. The receipt and tracking numbers were also provided in evidence.

Based on PW's affirmed testimony and the Landlords' documentary evidence, I am satisfied that the Tenant was duly served with the Notice of Hearing documents and documentary evidence by registered mail. Service in this manner is deemed to be effected 5 days after mailing the documents. Despite being served with the Notice of Hearing documents, the Tenant did not sign into the teleconference and the Hearing proceeded in her absence.

Issues to be Decided

- Are the Landlords entitled to an Order of Possession?
- Are the Landlords entitled to a Monetary Order, and if so, in what amount?

Background and Evidence

The Landlord PW gave the following testimony:

- The tenancy started on June 1, 2015. Monthly rent is \$490.00, due on the first day of each month.
- The Tenant paid a security deposit in the amount of \$245.00 at the beginning of the tenancy.
- On October 2, 2015, the Landlord hand-delivered a One Month Notice to End Tenancy for Cause to the Tenant.
- The Tenant has not moved out of the rental unit.
- The Landlord has not received rent for December, 2015.

PW asked to apply the security deposit towards the Landlords' monetary award.

Analysis

I accept that the Landlords served the Tenant with the Notice to End Tenancy on October 2, 2015. The Tenant has not made an Application for Dispute Resolution to cancel the Notice to End Tenancy. Therefore, pursuant to Section 47(4) of the Act, the Tenant is conclusively presumed to have accepted that the tenancy ended on November 30, 2015. I find that the Tenant is overholding and that the Landlords are entitled to an Order of Possession.

I further find that the Landlords have lost revenue for the month of December, 2015, in the amount of \$490.00. I grant the Landlords a monetary award in the amount of \$490.00. Pursuant to Section 72(2)(b) of the Act, the Landlords may apply the security deposit towards partial satisfaction of their monetary award.

The Landlords have been successful in their Application and I find that they are entitled to recover the cost of the \$50.00 filing fee from the Tenant.

I hereby provide the Landlords with a Monetary Order, calculated as follows:

Loss of revenue	\$490.00
Recovery of the filing fee	<u>\$50.00</u>
Subtotal	\$540.00
Less security deposit	<u>- \$245.00</u>
TOTAL AMOUNT DUE TO THE LANDLORD AFTER SET-OFF	\$295.00

Conclusion

I hereby grant the Landlords an Order of Possession **effective 2 days after service of the Order upon the Tenant**. This Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I hereby grant the Landlords a Monetary Order in the amount of **\$295.00** for service upon the Tenant. This Order may be filed in the Provincial Court of British Columbia (Small Claims) and enforced as an Order of that Court.

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: December 18, 2015

Residential Tenancy Branch

