



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes          FF, MNR, MNSD, OPR

### Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and requesting a Monetary Order for outstanding rent and recovery of their filing fee.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on February 17, 2016; 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 and I therefore conducted the hearing in the respondent's absence.

The parties were affirmed.

### Issue(s) to be Decided

At the beginning of the conference call the landlords advised me that the tenants have vacated the rental unit and they have possession, and therefore an Order of Possession is no longer required.

The issue dealt with at today's hearing therefore, is a request for a Monetary Order for outstanding rent and recovery of the filing fee.

### Background and Evidence

The applicants testified that the tenants paid a security deposit of \$550.00, and a pet deposit of \$100.00.

The applicants testified that this tenancy began on October 1, 2014 with a monthly rent of \$1100.00 due on the first of each month.

The applicants further testified that the tenants fell behind on the rent and as of February 2016 there was a total of \$5450.00 in rent outstanding and therefore they served the tenants with a 10 day Notice to End Tenancy for nonpayment of rent.

The applicants further testified that the respondents failed to pay any further rent and did not vacate the rental unit until April, 2016.

The applicants are therefore requesting an Order for the outstanding rent, however they are not asking for any rent for the month of April 2016.

### Analysis

I have reviewed the evidence and testimony of the applicants and it is my finding that the applicants have shown that there is a total of \$6550.00 rent outstanding to the end of March 2016. The tenants began to fall behind on the rent in August of 2015, and between August 2015 and March 2016 the tenants only paid a total of \$2250.00, when the total rent that should have been paid was \$8800.00.

I therefore allow the landlords request for an Order for that outstanding rent. I have allowed rent to the end of March 2016 because the tenants failed to comply with the Notice to End Tenancy, and therefore they should reasonably have anticipated that, another month's rent would be due.

I also allow the landlords request for recovery of their \$100.00 filing fee.

### Conclusion

I have allowed a total claim of \$6650.00 and I therefore Order that the landlords may retain the full security/pet deposit of \$650.00, and pursuant to section 67 of the Residential Tenancy Act I have issued an Order for the tenants to pay \$6000.00 to the landlords.

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: April 05, 2016

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Residential Tenancy Branch

