



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding VANTAGE WEST REALTY  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with an Application for Dispute Resolution by the Landlord for an Order of Possession based on unpaid rent, and a Monetary Order for unpaid rent.

Only the Landlord's property manager, C.D. appeared at the hearing. She gave affirmed testimony and was provided the opportunity to present her evidence orally and in written and documentary form, and to make submissions to me.

C.D. testified she served the Tenants with the Notice of Hearing and their Application on May 19, 2016 by registered mail. Under the *Residential Tenancy Act* documents served this way are deemed served five days later; accordingly, I find the Tenant was duly served as of May 24, 2016.

I have reviewed all oral and written evidence before me that met the requirements of the rules of procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

### Preliminary Matter

C.D. testified that the Tenants vacated the rental unit on June 1, 2016 such that an Order of Possession was no longer required.

### Issue to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to monetary relief?

### Background and Evidence

C.D. testified as to the terms of the tenancy. She stated that the tenancy began December 10, 2015. Monthly rent was payable in the amount of \$1,100.00. C.D. testified that the utilities were not included in the rent and were therefore the responsibility of the Tenants. A security deposit in the amount of \$550.00 was paid.

The Tenant failed to pay rent and the utilities for the month of May 2016. The Landlord issued a 10 day Notice to End Tenancy for non-payment of rent and utilities on May 3, 2016 indicating the amount of \$1,416.95 was due as of May 1, 2016 (the "Notice").

Based on the testimony of C.D. I find that the Tenants were personally served with the Notice on May 3, 2016 as well as by posting to the rental unit door. Accordingly, I find that the Tenants were served with the Notice as of May 3, 2016.

The Notice informed the Tenants that the Notice would be cancelled if the rent was paid within five days of service, namely, May 8, 2016. The Notice also explains the Tenants had five days from the date of service to dispute the Notice by filing an Application for Dispute Resolution. As May 8, 2016 is a Sunday, the Tenants had until May 9, 2016 to apply to dispute the Notice.

C.D. testified that the Tenants failed to pay the outstanding rent and failed to apply to dispute the Notice. She also stated that she was able to rent the unit out as of July 1, 2016 as the Tenants did not vacate the rental unit until June 1, 2016.

C.D. confirmed that the Landlord also seeks loss of rent for June 2016 in the amount of \$1,100.00 for a total monetary claim in the amount of **\$2,516.95**.

### Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

I find that the Landlord has established a total monetary claim of **\$2,516.95** comprised of unpaid rent for May and June 2016 as well as unpaid utilities. I grant the Landlord a Monetary Order under section 67 for the amount **\$2,516.95**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The Tenant failed to pay rent and utilities for May 2016 and vacated the rental unit on June 1, 2016 such that the rental unit was not re-rented until July 1, 2016. The Landlord is granted a Monetary Order for the unpaid rent and utilities for May 2016 and the loss of rent for June 2016 in the amount of \$2,516.95.

This decision is final and binding on the parties, except as otherwise provided under the Act, 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: June 20, 2016

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Residential Tenancy Branch