



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

The landlords apply for an order of possession pursuant to a ten day Notice to End Tenancy for unpaid rent dated August 10, 2016 and for a monetary award for unpaid rent, occupation rent and unpaid utilities.

The tenant did not attend the hearing within 25 minutes after its scheduled start time. She did not file any material in opposition to the application. The landlords show that the tenant was served with their application and notice of this hearing by registered mail to the rental unit, where the tenant continues to reside. Canada Post records (tracking number shown on cover page of this decision) show the material was mailed on September 15, 2016 and received and signed for by the tenant or someone on her behalf on September 16.

On this evidence I find that the tenant has been duly served.

The landlord Mr. K. testifies that he served the tenant with the ten day Notice by personally serving the tenant's adult son, who lives with the tenant, on August 10, 2015. Such service is a permitted mode of service under s. 88 of the *Residential Tenancy Act* (the "*Act*"). He confirms that shortly after service of the Notice the tenant gave the landlords a cheque for the amount demanded in the Notice but the cheque was dishonoured by the tenant's financial institution.

I find that by operation of s. 46 of the *Act*, the ten day Notice has been effective in ending this tenancy. It ended on August 21, 2016 and the landlords are entitled to an order of possession.

On the undisputed evidence of Mr. S. I find that the tenant owes August 2016 rent of \$1575.00. I find the landlords are entitled to occupation rent for September and October 2016 in the amount of \$3150.00.

After July 2016 the tenant's utility costs were subsumed into the rent. The landlords withdraw their claim for utilities after July. I award them \$50 for utilities for each of the months June and July 2016, as claimed; a total of \$100.00.

In result the landlords are entitled to a monetary award of \$4825.00 plus recovery of the \$100.00 filing fee. I authorize them to retain the \$775.00 security deposit in reduction of the amount awarded. There will be a monetary order against the tenant for the remainder of \$4150.00.

This decision was rendered orally at 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: October 21, 2016

Residential Tenancy Branch

