



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MND, MNSD, FF

Introduction

The landlord applies for an order of possession pursuant to a ten day Notice to End Tenancy dated August 3, 2016 and for a monetary award for unpaid rent and utilities and the cost to repair two broken windows.

None of the tenants attended for the hearing within twenty minutes after its scheduled start time nor did any of the three file material in opposition to the application. The landlord showed that each tenant was served with the application and notice of hearing by registered mail (copies of tracking number receipts filed). Canada Post records show that each mailing was delivered and signed for.

The landlord testifies that she personally served the ten day Notice on the tenant Ms. B.B. on August 3, 2016 and that neither the rent nor the utilities demanded in the Notice were paid.

I find that this tenancy has ended as a result of the Notice and by operation of s. 46 of the *Residential Tenancy Act*. It ended August 14, 2016. The tenants continue to occupy the rental unit and so the landlord will have an order of possession.

On the landlord's undisputed evidence I grant her a monetary award of \$280.00 for unpaid August rent, \$408.00 for utilities due up to August 1, 2016 and \$160.00 paid by the landlord as the insurance deductible to have two windows broken by the tenants or their guests repaired.

The landlord wished to claim \$125.00 for the balance of October rent and a further \$376.00 for utility costs to the end of September. However, those amounts became due after the landlord's application was brought and she has not amended her claim to

include those items. I therefore decline to consider them. The landlord is free to make another application against the tenants to collect those monies.

I award the landlord recovery of the \$100.00 filing fee.

The landlord will have a monetary order against the tenants in the amount of \$948.00.

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 03, 2016

Residential Tenancy Branch

