



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

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

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a Monetary Order for unpaid rent and damages pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenants pursuant to section 72.

The tenants did not attend the hearing which lasted approximately 10 minutes. The corporate landlord was represented at the hearing by their agent (the "landlord") who was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that the landlord's 10 Day Notice to End Tenancy for Unpaid Rent or Utilities (the "10 Day Notice") dated December 7, 2016 was served on the tenants by posting on the rental unit door on that date. I find that the 10 Day Notice was deemed served in accordance with sections 88 and 90 of the *Act* on December 10, 2016, three days after posting.

The landlord testified that the landlord's application for dispute resolution dated January 6, 2017 was served on the tenant by registered mail on that day. The landlord provided two Canada Post tracking numbers as evidence. I find that the landlord's application and evidence were deemed served on the tenants in accordance with sections 89 and 90 of the *Act* on January 11, 2017, five days after mailing.

At the outset of the hearing the landlord testified that the tenants had moved out of the rental unit sometime before January 19, 2017 and an Order of Possession is no longer being sought.

Issue(s) to be Decided

Is the landlord entitled to a monetary award for unpaid rent as claimed?

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord provided undisputed testimony regarding the following facts. This tenancy began in November, 2009. The rent at the end of the tenancy was \$1,550.00 payable on the 1<sup>st</sup> of the month. A security deposit of \$775.00 was paid by the tenants at the start of the tenancy and is still held by the landlord.

The landlord testified that as at the time the 10 Day Notice was issued the tenancy was in arrears by \$12,360.00. The landlord provided the tenant ledger showing charges, payments and a running balance as evidence in support of the monetary claim. The landlord testified that no payment was received from the tenants since November, 2016.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenants did not attend. I accept the landlord's undisputed evidence that the total amount of arrears for this tenancy is \$12,360.00. I issue a monetary award in the landlord's favour for unpaid rent of \$12,360.00 as at February 6, 2017, the date of the hearing, pursuant to section 67 of the *Act*.

As the landlord's application was successful, the landlord is also entitled to recovery of the \$100.00 filing fee for the cost of this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlords to retain the tenants' security deposit of \$775.00 in partial satisfaction of the monetary award issued in the landlord's favour. No interest is payable over this period.

Conclusion

I issue a monetary order in the landlord's favour in the amount of \$11,685.00 under the following terms, which allows the landlords to recover unpaid rent, and the filing fee for their application:

Item	Amount
Unpaid Rent 2014-2017	\$12,360.00

Filing Fees	\$100.00
Less Security Deposit	-\$775.00
<b>Total Monetary Order</b>	<b>\$11,685.00</b>

The tenants must be served with this Order as soon as possible. Should the tenants fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court 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: February 6, 2017

---

Residential Tenancy Branch