



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      OPR, MNR

### Introduction

This hearing dealt with the landlords' Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by one of the landlords.

The landlord testified the tenant was served with the notice of hearing documents and this Application for Dispute Resolution, pursuant to Section 59(3) of the *Residential Tenancy Act (Act)* personally on February 14, 2017 in accordance with Section 89 and that this service was witnessed by a third party.

Based on the testimony of the landlord, I find that the tenant has been sufficiently served with the documents pursuant to the *Act*.

The landlord submitted the tenant vacated the rental unit on February 16, 2017 and returned the keys to the landlord on February 19, 2017. As a result, the landlords no longer require an order of possession and I amend the landlords' Application for Dispute Resolution to exclude the matter of possession.

### Issue(s) to be Decided

The issue to be decided is whether the landlords are entitled to a monetary order for unpaid rent, pursuant to Sections 67, and 72 of the *Act*.

### Background and Evidence

The landlords submitted the following documentary evidence:

- A copy of a residential tenancy agreement which was unsigned by the parties for a month to month tenancy beginning on September 14, 2016 for the monthly rent of \$700.00 due on the 30<sup>th</sup> of each month; and
- A copy of a 10 Day Notice to End Tenancy for Unpaid Rent that was issued on January 19, 2017 with an effective vacancy date of January 31, 2017 due to \$700.00 in unpaid rent.

Documentary evidence filed by the landlords indicates the tenant failed to pay the full rent owed for the months of November and December 2016 and January 2017 and that the tenant was served the 10 Day Notice to End Tenancy for Unpaid Rent by registered mail on January 19, 2017.

The landlord submitted that after being served the Notice to End Tenancy the tenant did not pay any amount of the outstanding rent including any amount for the month of February 2017.

### Analysis

Based on the landlord's undisputed testimony I find the landlord has established the tenant failed to pay rent for the months of November and December 2016 and January and February 2017.

### Conclusion

I find the landlords are entitled to monetary compensation pursuant to Section 67 and I grant a monetary order in the amount of **\$2,800.00** comprised of rent owed.

This order must be served on the tenant. If the tenant fails to comply with this order the landlords may file the order in the Provincial Court (Small Claims) and be 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: March 07, 2017

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Residential Tenancy Branch