



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Vancouver Eviction Services  
and [tenant name suppressed to protect privacy]

## **DECISION**

### **Dispute Codes**

Tenants' Application made August 4, 2017: MT; CNR

Landlords' Application made August 23, 2017: OPR; OPL; MNR; MNDC; MNSD; FF

### **Introduction**

This Hearing was scheduled to consider cross-Applications for Dispute Resolution, by teleconference on October 27, 2017, at 9:30 a.m. The Tenants seek an extension of time to file and application to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, issued July 25, 2017; and to cancel that Notice.

The Landlords seek an Order of Possession based on a 2 Month Notice to End Tenancy for Landlord's Use issued April 25, 2017, and a 10 Day Notice to End Tenancy for Unpaid Rent, issued July 25, 2017. They also seek a monetary award for unpaid rent, unpaid utilities, and loss of revenue; to apply the security deposit towards their monetary award; and to recover the cost of the filing fee from the Tenant RK.

The Landlords' agent SA attended the Hearing and was ready to proceed. The teleconference remained open and monitored for 15 minutes, but neither Tenant attended the teleconference. Therefore, the Tenants' Application is dismissed without leave to reapply.

The Landlords' agent SA gave affirmed testimony at the Hearing. She testified that the Landlord mailed the Notice of Hearing documents and copies of documentary evidence to the Tenant RK, by registered mail, to the rental unit on September 2, 2017. She testified that an additional package of evidence was mailed, by regular mail, to the rental unit on October 2, 2017. I am satisfied that the Tenant RK was duly served with the Landlords' Notice of Hearing documents and documentary evidence. The Landlords did not proceed against OK, and did not serve him. The Hearing continued in the Tenant RK's absence.

**Issue(s) to be Decided**

Are the Landlords entitled to an Order of Possession and a monetary award?

**Background and Evidence**

The Landlords and their agent SA provided the following evidence:

A copy of the tenancy agreement was provided in evidence. This tenancy began on April 1, 2017. Monthly rent is \$950.00 plus 1/3<sup>rd</sup> of utilities, which are in the Landlord GR's name. The Landlord GR is holding a security deposit in the amount of \$475.00.

On April 27, 2017, the Landlord issued a 2 Month Notice to End Tenancy for Landlord's Use, which was posted to the Tenant's door on April 27, 2017. The Tenant did not dispute this Notice.

The Tenant did not pay rent for the month of June, 2017, in compensation for the 2 Month Notice.

The Tenant did not move out of the rental unit on June 30, 2017, as required by the Notice, and remains in the rental unit. The Tenant has not paid any rent for July, August, September, and October, 2017.

The Landlords provided copies of electricity and gas bills in evidence, which were provided to the Tenant by registered mail on September 2, 2017. The Tenant has not paid any money towards utilities since the beginning of the tenancy (April 1, 2017). The Landlords seek compensation pursuant to the terms of the tenancy agreement, as follows:

Tenant's share of unpaid electricity bills	\$190.21
Tenant's share of unpaid gas bills	\$149.97
Unpaid rent/loss of revenue for July, August, September and October, 2017 (\$950.00 x 4)	<u>\$3,800.00</u>
TOTAL	\$4,140.18

**Analysis**

I accept the Landlords' undisputed evidence in its entirety. I find that the tenancy ended on June 30, 2017, in accordance with the undisputed 2 Month Notice to End Tenancy. I find that the Landlords are entitled to an Order of Possession and that they have established a monetary award as claimed.

The Landlords may apply the security deposit towards partial satisfaction of their monetary award. The Landlords have been successful in their Application and I find that they are entitled to recover the cost of the filing fee from the Tenant RK.

I hereby provide the Landlords with a Monetary Order, calculated as follows:

Monetary award	\$4,140.18
Plus recovery of the filing fee	\$100.00
Less set-off of security deposit	<u>-\$475.00</u>
TOTAL	\$3,765.18

### **Conclusion**

The Tenants' Application is **dismissed without leave to reapply**.

The Landlords are hereby provided with an Order of Possession **effective 2 days after service of the Order upon the Tenant RK**. This Order may be enforced in the Supreme Court of British Columbia.

The Landlords are also hereby provided with a Monetary Order in the amount of **\$3,765.18** for service upon the Tenant RK. This Order may be enforced in the Provincial Court of British Columbia (Small Claims 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: October 27, 2017

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Residential Tenancy Branch