



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes

OPR MNR OPC FF

### Introduction

This hearing dealt with the Landlords' Application for Dispute Resolution, made on March 23, 2018 (the "Application"). The Landlords applied for the following relief, pursuant to the *Residential Tenancy Act* (the "Act"):

- an order of possession for unpaid rent or utilities;
- a monetary order for unpaid rent or utilities;
- an order of possession for cause; and
- an order granting recovery of the filing fee.

The Landlords M.T. and V.T. attended the hearing on their own behalves and on behalf of the corporate Landlord. Both M.T. and V.T. provided affirmed testimony. The Tenants did not attend the hearing.

On behalf of the Landlords, M.T. testified the Application package was served on the Tenants by registered mail on March 23, 2018, the day the Application was made. Pursuant to sections 89 and 90 of the *Act*, documents served by registered mail are deemed to be received five days later. I find the Tenants are deemed to have received the Application package on March 28, 2017.

The Landlords were provided with the opportunity to present evidence orally and in written and documentary form, and to make submissions to me. I have reviewed all oral and written evidence before me that met the requirements of the Rules of Procedure. However, only the evidence relevant to the issues and findings in this matter are described in this Decision.

Issue to be Decided

1. Are the Landlords entitled to an order of possession for unpaid rent or utilities?
2. Are the Landlords entitled to a monetary order for unpaid rent or utilities?
3. Are the Landlords entitled to an order of possession for cause?
4. Are the Landlords entitled to an order granting recovery of the filing fee?

Background and Evidence

The Landlords testified the tenancy began on July 1, 2017. Rent in the amount of \$2,000.00 per month is due on the first day of each month. The Tenants did not pay security or pet damage deposits.

On behalf of the Landlords, M.T. testified rent was not paid when due on March 1, 2018. Accordingly, the Landlords issued a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities, dated March 3, 2018 (the "10 Day Notice"). M.T. testified the 10 Day Notice was served on the Tenants by registered mail on March 3, 2018. A copy of the 10 Day Notice was submitted with the Landlords' documentary evidence.

In addition, M.T. testified the Tenants did not pay rent when due on April 1, 2018. Rent in the amount of \$4,000.00 remains outstanding, although the Tenants continue to occupy the rental unit.

The Tenants did not attend the hearing to dispute the Landlords' evidence.

Analysis

Based on the unchallenged and affirmed oral testimony and documentary evidence, and on a balance of probabilities, I find:

The Landlords sought an order of possession for unpaid rent. In this case, the Landlords' evidence confirmed, and I find, that the Tenants were served with the 10 Day Notice by registered mail on March 3, 2018. Pursuant to sections 88 and 90 of the *Act*, documents served by registered mail are deemed to be received five days later. I find the Tenants are deemed to have received the 10 Day Notice on March 8, 2018. Pursuant to section 46(4) of the *Act*, the Tenants had until March 13, 2018, to pay rent in full or dispute the 10 Day Notice by filing an application for dispute resolution. As the Tenants did neither of these things, I find, pursuant to section 46(5) of the *Act*, that they are conclusively presumed to have accepted the tenancy ended on the effective date of the 10 Day Notice. I find the Landlords are entitled to an order of possession, which will be effective two (2) days after it is served on the Tenants.

Further, the Landlords sought a monetary order for unpaid rent. Section 26 of the *Act* confirms that a tenant must pay rent when due under a tenancy agreement. In this case, M.T. testified, and I find, that rent was not paid in full when due on March 1 and April 1, 2018, and that \$4,000.00 is outstanding. Although written submissions included with the Application suggested the Landlords were also seeking “lost revenue” for the months of May and June 2018, I find that rent for these amounts are not yet due and are therefore not recoverable. Pursuant to section 67 of the *Act*, I find the Landlords have demonstrated an entitlement to a monetary award of \$4,000.00 for unpaid rent. Having been successful with the Application, I also find the Landlords are entitled to recover the \$100.00 filing fee paid to make the Application.

Pursuant to section 67 of the *Act*, I find the Landlords are entitled to a monetary order in the amount of \$4,100.00, which is comprised of \$4,000.00 in unpaid rent and \$100.00 in recovery of the filing fee.

As the tenancy is ending based on the non-payment of rent, it is not necessary for me to consider the Landlords’ request for an order of possession for cause.

### Conclusion

The Landlords are granted an order of possession, which will be effective two (2) days after it is served on the Tenants. The order of possession may be filed in and enforced as an order of the Supreme Court of British Columbia.

The Landlords are granted a monetary order in the amount of \$4,100.00. This order may be filed in and enforced as an order of the Provincial Court of British Columbia (Small Claims).

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: April 13, 2018

---

Residential Tenancy Branch