



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing

DECISION

Dispute Codes **CNR, FFT, OPR-DR, MNR-DR, FFL**

Introduction

This hearing was convened by way of conference call in response to cross Applications for Dispute Resolution filed by the parties pursuant to the Residential Tenancy Act (the "Act") for Orders as follows:

The tenant applied as follows:

- For cancellation of the landlords' 10 Day Notice to End Tenancy for Unpaid Rent ("10 Day Notice") pursuant to section 46 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

The landlords applied as follows:

- For a monetary order for unpaid rent pursuant to section 67 of the Act
- For an order of possession pursuant to section 55 of the Act
- For reimbursement of the filing fee pursuant to section 72 of the Act

Landlords GL and GD appeared. The tenant did not appear. The landlords were given a full opportunity to be heard, to present testimony, to make submissions, and to call witnesses.

The landlords were affirmed.

The landlords testified they served the 10 Day Notice dated April 3, 2023 by posting it on the door of the rental unit. The landlords provided a picture of the notice posted in

evidence. Pursuant to sections 88 and 90 of the Act the tenant is deemed to have been served with the notice on April 6, 2023 in accordance with the Act

The landlords also provided proof of service RTB Form 55 in evidence showing that they served the tenant with the dispute notice and evidence package on the tenant by registered mail on April 21, 2023. RTB Form 55 has the Canada Post tracking number. I find the tenant was properly served with the landlords' materials on April 26, 2023 pursuant to sections 88, 89, and 90 of the Act.

Preliminary Issue

At the outset of the hearing the landlords testified that the tenant vacated the rental unit on April 30, 2023 and they no longer required an order of possession.

Based on the evidence of the landlords and the non-appearance of the tenant, the tenant's application is dismissed without leave to reapply.

The landlords' application for an order of possession is also dismissed.

Issue(s) to be Decided

1. Are the landlords entitled to a monetary order for compensation for unpaid rent?
2. Are the landlords entitled to a reimbursement for their filing fee?

Background and Evidence

The tenancy commenced on February 1, 2023 on a fixed term until January 31, 2024. Rent is \$1,550.00 per month due on the first of the month. The landlords still hold a security deposit of \$775.00 in trust. The tenant vacated the rental unit on April 30, 2023.

The landlords testified that the tenant did not pay any rent for the month of April 2023. They provided a direct request worksheet in evidence.

Analysis

The tenant's application disputing the 10 Day Notice was dismissed. Section 55(1.1) of the Act requires me to issue a monetary order for unpaid rent if I dismiss the tenant's

application and the 10 Day Notice meets the form and content requirements of section 52 of the Act. I find that the 10 Day Notice does meet the requirements under section 52 of the Act and is therefore a valid notice.

As the requirements of section 55(1.1) of the Act are met, the landlord is entitled to receive a monetary order for unpaid rent in the amount of \$1,550.00.

As the landlord was successful in their application, they are entitled to recover the \$100.00 filing fee.

Pursuant to the offsetting provisions in section 72 of the Act the landlord is entitled to retain the security deposit in partial satisfaction of the claim.

Conclusion

The tenant's application is dismissed.

The landlord is granted a monetary order as follows:

Claim	Amount
Unpaid rent	\$1,550.00
Filing fee	\$100.00
Security deposit	(\$775.00)
Total	\$875.00

The monetary order must be served on the tenant. The monetary 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: May 26, 2023

Residential Tenancy Branch