



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR-DR, MNR-DR, FFL

Introduction

This hearing was scheduled to convene at 9:30 a.m. on September 12, 2023 concerning an application made by the landlords seeking an order of possession and a monetary order for unpaid rent or utilities and to recover the filing fee from the tenants for the cost of the application. The application was originally made by way of the Direct Request process, which was adjourned to this participatory hearing.

One of the named landlords attended the hearing, gave affirmed testimony and provided evidentiary material in advance of the hearing. However, the line remained open while the telephone system was monitored for 10 minutes prior to hearing any testimony and no one for the tenants joined the call.

The landlord testified that the tenants were served with the Notice of Dispute Resolution Proceeding and all evidence by registered mail on July 8, 2023 and has provided copies of Canada Post Registered Domestic Customer Receipts addressed to each of the tenants. I am satisfied that both tenants have been served in accordance with the *Residential Tenancy Act*.

At the commencement of the hearing the landlord advised that the tenants have vacated the rental unit, and the landlords have possession. Therefore, the application for an order of possession is dismissed.

Issue(s) to be Decided

The issue remaining to be decided is:

- Have the landlords established a monetary claim as against the tenants for unpaid rent?

Background and Evidence

The landlord testified that this fixed-term tenancy began on February 1, 2022 and reverted to a month-to-month tenancy after January 31, 2023. The tenants vacated the rental unit on or about September 2, 2023. Rent in the amount of \$1,175.00 was payable on the 1st day of each month. On January 29, 2022 the landlords collected a security deposit from the tenants in the amount of \$550.00 which is still held in trust by the landlords, and no pet damage deposit was collected. The rental unit is a condominium apartment. A copy of the tenancy agreement has been provided for this hearing.

The landlord further testified that the tenants failed to pay any rent for the month of September, 2022 and the landlords served a 10 Day Notice to End Tenancy For Unpaid Rent or Utilities, a copy of which has been provided for this hearing. It is dated September 19, 2022 and contains an effective date of vacancy of September 29, 2022 for unpaid rent in the amount of \$1,175.00 that was due on September 1, 2022.

The tenants never paid that rent, but paid rent for several months before falling further into arrears. No rent has been received for April, May, June, July or August, 2023 and arrears have accumulated to \$7,050.00.

The landlords have not received the tenants' forwarding address in writing.

Analysis

I accept the undisputed testimony of the landlord that the tenants failed to pay rent, and failed to move out of the rental unit after being served with a 10 Day Notice to End Tenancy for Unpaid Rent or Utilities. I also accept that arrears have accumulated, and the tenants owe \$7,050.00 for unpaid rent.

The landlords have not received the tenants' forwarding address in writing. The law states that if the tenants do not provide a forwarding address in writing within 1 year after the tenancy ends, the landlords may keep the security deposit. If the tenants provide a forwarding address in writing, the landlords will have 15 days to claim against the security deposit or return it to the tenants.

Since the landlords have been successful with the application the landlords are also entitled to recover the \$100.00 filing fee from the tenants.

I grant a monetary order in favour of the landlords as against the tenants in the amount of \$7,150.00. The tenants must be served with the order which may be filed for enforcement in the Provincial Court of British Columbia, Small Claims division.

Conclusion

For the reasons set out above, the landlords' application for an order of possession is hereby dismissed.

I hereby grant a monetary order in favour of the landlords as against the tenants pursuant to Section 67 of the *Residential Tenancy Act* in the amount of \$7,150.00.

This order is final and binding and may be enforced.

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: September 12, 2023

Residential Tenancy Branch