

## **DECISION AND REASONS**

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

### **FILE 728782 – TENANTS APPLICATION:**

No hearing was held on this file because even though I waited until well past the time at which the hearing was to start, the applicant did not join the conference call that was set up for the hearing.

I therefore dismiss this application without leave to re-apply.

I further order that the applicant(s), pay the filing fee of \$50.00, that was previously waived, to the director of the Residential Tenancy Office.

### **FILE 728755 LANDLORDS APPLICATION:**

First of all it is my decision that I will not deal with all the issues that the applicant has put on the application as some of them are unrelated to the main issues which are outstanding rent and an Order of Possession.

I therefore will deal with the outstanding rent and the Order of Possession and I dismiss the remaining damages claim with liberty to re-apply.

The tenant has failed to comply with a Notice to End Tenancy and rent in the amount of \$907.00 is still outstanding to the end of January 2009; however I cannot go over the amount applied for on the application which is \$724.00. The landlord may apply for the remainder on another application for Dispute Resolution.

Therefore, pursuant to Section 55, I have issued an order of possession for 12:00 noon on January 15, 2009.

The landlord(s) is given a formal Order of Possession and the tenant(s) **must** be served with this Order as soon as possible.

I also Order, pursuant to Section 38, that the landlord(s) may retain the full security deposit plus interest ( \$175.88 ) towards the outstanding rent.

I further Order pursuant to Section 67 that the respondent(s) pay to the applicant(s) the sum of:

Remaining rent-----	\$ 548.12
Plus section 59 filing fee-----	<u>50.00</u>
Total Order	\$ 598.12

Dated January 12, 2009.

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