

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with cross Applications for dispute filed by the Landlord and the Tenant.

The Application for Dispute Resolution of the Landlord requested an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

The Application of the Tenant requested that the Notice to End Tenancy be cancelled.

Although he filed an Application for Dispute Resolution and received a Notice of Hearing for his, and the Landlord's Application, the Tenant did not appear at the hearing.

Issue(s) to be Decided

Has the Tenant breached the Act or tenancy agreement, entitling the Landlord to an Order of Possession and monetary relief?

Has the Landlord breached the Act or tenancy agreement, entitling the Tenant to an order to cancel the Notice to End Tenancy?

Background and Evidence

Based on the testimony of the Agent for the Landlord, and the Application of the Tenant, I find that the Tenant was served with a Notice to End Tenancy for non-payment of rent.

The Agent for the Landlord testified the Tenant was required to pay \$550.00 monthly rent. The Agent testified the Tenant had failed to pay rent for December of 2008, and for April, May and June of 2009.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

As the Tenant did not appear, his Application is dismissed, without leave to reapply.

Following the dismissal of his Application the Landlord explained the Tenant had begun moving out of the rental unit, but had not returned the keys or completely removed all

his property from the unit. The Landlord wanted an order of possession, which is granted as the Tenant's Application was dismissed.

I grant the Landlord an order of possession effective two days after service on the Tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

I further find, based on the uncontradicted evidence, that the Landlord has established a total monetary claim of **\$2,250.00** comprised of four months rent and the \$50.00 fee paid by the Landlord for this application.

I order that the Landlord retain the deposit and interest of **\$362.40** in partial satisfaction of the claim and I grant the Landlord an order under section 67 for the balance due of **\$1,887.60**.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

Conclusion

The Tenant failed to attend the hearing and did not pay rent when due.

The Landlord is granted an Order of Possession, may keep the security deposit and interest in partial satisfaction of the claim and is granted a monetary order for the balance due.

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: June 05, 2009.

Dispute Resolution Officer