

DECISION

Dispute Codes CNC, OPC, MND, MNSD, FF

Introduction

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the landlords the opportunity to testify at the hearing.

The tenants were aware of the hearing because their own application was set for the same timeslot and the landlords had also served the tenants with notice of the hearing by registered mail that was mailed on March 13, 2010, but the tenants did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issues(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords.

The tenants application was a request to have a Notice to End Tenancy canceled and a request of the landlords bear the \$50.00 cost of the filing fee that was paid for their application for dispute resolution.

The landlords application is a request for an Order of Possession based on the Notice to End Tenancy, a request for a Monetary Order for \$426.13, a request that they be allowed to retain the full security deposit plus interest towards this order, and a request that the respondent's bear the \$50.00 cost of the filing fee that was paid for their application for dispute resolution

Background and Evidence

First of all it is my decision that I will not deal with all the issues that the landlord has put on their application. For claims to be combined on an application they must related.

Not all the claims on the landlord's application are sufficiently related to the main issue, to be dealt with together.

I therefore will deal with the request for an Order of Possession and the filing fee and I dismiss the remaining monetary claim with liberty to re-apply.

Tenants application:

The tenants did not appear at the hearing and therefore their application has been dismissed.

Landlords application:

The landlords have requested Order of Possession based on a section 47 one month Notice to End Tenancy given for cause. This notice was effective for the end of March 2010.

Since the end of tenancy date has already passed, the landlords are requesting an Order of Possession for as possible.

Analysis

The tenants were served with a one month Notice to End Tenancy for cause and although they applied for dispute resolution to have the notice cancelled, they did not appear at today's hearing and therefore I have dismissed their application.

Therefore the Notice to End Tenancy is still a valid notice and since the end of tenancy date is now past, is my decision that the landlords do have the right to an Order of Possession.

I will also allow the landlords claim for the \$50.00 filing fee.

Conclusion

Tenants application:

The tenants application is dismissed in full without leave to reapply.

Landlords application:

I have issued an order possession to the landlord which is enforceable two days after service on the tenants, and I further ordered that the tenants bear the \$50.00 cost of the filing fee that was paid by the landlords for their application for dispute resolution.

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, 2010.

Dispute Resolution Officer