



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      FF, MNR, OPR, MNSD, MNDC

### 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 applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on October 22, 2010, but 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 is a request for an Order of Possession based on Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$4600.00, and a request for an order to keep the full security deposit plus interest towards this claim. The applicants are also requesting that the respondent bear the \$50.00 cost of the filing fee which they paid for their application for dispute resolution.

### Background and Evidence

The applicant testified that:

- On September 27, 2010 the tenants were served with a 10 day notice for non-payment of rent however they have failed to comply with that notice.
- The tenants continue to live in the rental unit without paying any rent.



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The applicants are therefore requesting an Order of Possession for as soon as possible and the applicants are also requesting a monetary order as follows:

|   |           |
|---|-----------|
| Rent outstanding for August 2010        | \$240.00  |
| Rent outstanding for October 2010       | \$1070.00 |
| Rent outstanding for November 2010      | \$1070.00 |
| Possible lost revenue for December 2010 | \$1070.00 |
| Late fees \$20.00 X 5                   | \$100.00  |
| Filing fee                              | \$50.00   |
| Total                                   | \$4670.00 |

The applicants further request that they be allowed to keep the full security deposit plus interest towards this claim.

## Analysis

The tenant(s) have failed to comply with a Notice to End Tenancy and rent in the amount of \$3450.00 is outstanding to the end of November 2010.

Therefore, pursuant to Section 55, I have issued an order of possession for two days after service on the tenants.

I also Order, pursuant to Section 38, that the landlord(s) may retain the full security deposit plus interest (\$515.37) towards the outstanding rent.

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

|                            |           |
|----------------------------|-----------|
| Remaining Outstanding rent | \$2934.63 |
|----------------------------|-----------|



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|            |           |
|------------|-----------|
| Filing fee | \$50.00   |
| Total      | \$3084.63 |

I dismissed with leave to reapply, the claim for possible lost revenue for December 2010, as this claim is premature, because at this point we do not know whether there will be any lost revenue for December 2010.

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: November 17, 2010.

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Dispute Resolution Officer