



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MNR OPR CNR MNDC

Introduction

This hearing dealt with (a) an application by the tenant for an order setting aside the landlord's Notice to End Tenancy dated May 4, 2011; and (b) an application by the landlord for an order of possession and a monetary order. Despite having their own Application scheduled for today's date and having been served with the landlord's Application for Dispute Resolution and Notice of Hearing by way of registered mail sent on May 16, 2011, the tenants failed to appear.

As a result of the tenant's failure to appear, the tenants' application is dismissed.

Issues to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on November 28, 2010. The rent is \$2,000.00 per month. The tenants have only paid \$1,100.00 in rent since January 2011. The landlord served the tenants with a 10 Day Notice to End Tenancy on May 4, 2011. The tenants disputed the Notice but did not pay any rent.

Analysis

The landlord has requested an order of possession and a monetary order for unpaid rent. Although the arrears of rent owing by the tenants is greater than the \$5,000.00 amount claimed by the landlord in his application, the landlord is limited to the amount stated in that application.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to 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.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$5,050.00 comprised of unpaid rent and the \$50.00 fee paid by the landlord for this application. I order that the tenants pay to the landlord the sum of \$5,050.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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*.