



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF
 CNR, RP, LRE, LAT, FF

Introduction

This hearing dealt with cross applications by the landlord and tenant. The application by the landlord is for an order of possession for unpaid rent, a monetary order for unpaid rent and recovery of the filing fee.

The application by the tenants is to cancel a notice to end tenancy for unpaid rent, for the landlord to make repairs to the unit, suspend or set conditions on the landlord's right to enter, authorize the tenants to change the locks and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing in person. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

The tenants were also made aware of the hearing date and time through the application made by the tenants which was scheduled to be heard in conjunction with the landlord's application on this same day and time.

Issue(s) to be Decided

Is either party entitled to any of the above under the Act.

Background and Evidence

This began April 15, 2011 with monthly rent of \$1500.00 and the tenant paid a security deposit of \$750.00. On June 9, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants have not paid the rent for June or July 2011 and currently owe the landlord \$3000.00 in unpaid rent. The landlord stated that when the

hearing documents were served on the tenants, the tenant's father who is an occupant of the residence, took possession of the hearing documents advised the landlord that they would probably vacate sometime in mid July 2011.

As the tenants still occupy the rental unit and have made no efforts to pay the rent that is due, the landlord has requested an order of possession effective 2 days after service on the tenants.

The landlord is also seeking \$3000.00 compensation for the unpaid rent.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds to have the notice to end tenancy for unpaid rent upheld and are entitled to an order of possession. The landlord has also met the burden of proving that they are entitled to a monetary order for unpaid rent.

The tenants have not paid the June or July 2011 rent owing to the landlord, have not vacated the rental unit and did not attend the hearing.

I find that the landlord has established a claim for \$3000.00 in unpaid rent.

The landlord is also entitled to recovery of the \$50.00 filing fee.

In the absence of any submissions or testimony at the hearing from the tenants upon which to make a decision and as the landlord's agents attended, I have dismissed the tenant's application in full with no liberty to reapply being granted.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenants. This Order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$3000.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$3050.00**.

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: July 5, 2011.

Residential Tenancy Branch