



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MNSD, MNDC, FF, O

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 landlord the opportunity to testify at the hearing.

The tenants were served with notice of the hearing by hand on July 25, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were dealt with together.

Tenants application

The tenant's application was a request to cancel a Notice to End Tenancy however the tenants did not appear at the time and place set for the hearing and therefore the application is dismissed.

Landlords application

The landlord's application is a request for an order possession based on Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1200.00, and request for recovery of the \$50.00 filing fee. The landlord is also requesting an order to keep the full security deposit towards this claim.

Background and Evidence

The landlord testified that:

- The tenants had not paid the full July 2011 rent and therefore on July 15, 2011 a 10 day Notice to End Tenancy was personally served on the tenants.
- The tenants did not pay the full July 2011 rent within the time limits set out under the Residential Tenancy Act, and have also failed to pay \$275.00 of the August 2011 rent.

The landlord is therefore requesting an Order of Possession, and an order for the outstanding rent plus the filing fee.

Analysis

Is my finding that the landlord has shown that he served a valid 10 day Notice to End Tenancy on the tenants, and the tenants have failed to comply with that notice.

Landlord has also shown that there is \$275.00 rent outstanding for the month of August 2011.

I therefore allow the landlords request for an Order of Possession, and for the reduced monetary order.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants.

I also allow the landlords full reduced claim of \$300.00, and I therefore order that the landlords may retain \$300.00 of the security deposit to satisfy this order.

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: August 18, 2011.

Residential Tenancy Branch