



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, FF  
                             CNR, OLC, LRE, 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, to keep all or part of the security deposit and recovery of the filing fee. The application by the tenants is to cancel a notice to end tenancy for unpaid rent, to order the landlord to comply with the Act, suspend or set conditions on the landlord's right to enter 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 by registered mail 79614685029 and 79614685085. 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.

### Issue(s) to be Decided

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

### Background and Evidence

This fixed term tenancy began June 1, 2011 with monthly rent of \$1250.00 and the tenants paid a security deposit of \$625.00 and a pet damage deposit of \$375.00.

On August 8, 2011 the landlord served the tenant with a 10 Day Notice to End Tenancy for Unpaid Rent. The tenants have applied to dispute this notice.

The landlord testified that the tenants have not paid the August or September 2011 rent and owe the landlord \$2500.00 in unpaid rent. The landlord stated that the tenants had provided him with post-dated cheques for the rent but that the rent cheques could not be cashed due to there being no finds in the tenant's bank account. The landlord

believes that the tenants are still occupying the rental unit and the landlord has requested an order of possession effective 2 days after service upon the tenants.

### Analysis

Based on the documentary evidence and testimony I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and although the tenants did apply for dispute resolution to dispute the notice the tenants did not attend the hearing. Based on the above facts I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent.

Accordingly I find that the landlord is entitled to a monetary order for \$2500.00.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

As the tenants did not participate in the conference call hearing the tenant's application is dismissed in its entirety without leave to reapply.

### 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 \$2500.00 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 **\$2550.00**.

If the amount is not paid by the tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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*.

Dated: September 14, 2011.

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Residential Tenancy Branch