



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MND, MNDC, MNR, MNSD, OPR

### Introduction

Some documentary 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 applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on October 26, 2011; however the respondent(s) 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 is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1325.38, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit towards the claim.

### Background and Evidence

The applicant testified that:

- The tenants did not pay the full October 2011 rent and therefore on October 6 they posted a 10 day Notice to End Tenancy on the tenant's door.

- To date the tenants have not fully vacated the rental unit, and therefore they are requesting an Order of Possession.
- The tenants have also failed to pay the outstanding rent in the amount of \$650.38 for the month of October 2011, and now the full November 2011 rent of \$1150.00 is also outstanding.

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

October 2011 rent outstanding	\$650.38
October 2011 NSF charge	\$25.00
October 2011 late fee	\$25.00
November 2011 outstanding rent	\$1150.00
Filing fee	\$50.00
Total	\$1900.38

The applicants request an order allowing them to keep the full security deposit of \$575.00 towards the claim and requested a monetary order be issued for the balance.

### Analysis

My finding that the landlord has shown that the tenants have failed to pay a \$650.38 of the October 2011 rent, and have failed to pay any rent for the month of November 2011.

Therefore since the landlords have served a 10 day Notice to End Tenancy, it is my decision that the landlords have the right to an Order of Possession.

I also allow the full monetary claim requested by the landlords. I have allowed rent to the end of November 2011 as I find it unlikely that the landlords will be able to re-rent the unit before that date.

Conclusion

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

I have allowed the landlords full monetary claim of \$1900.38 and I therefore order that the landlords may retain the full security deposit of \$575.00 and have issued a monetary order in the amount of \$1325.38.

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 15, 2011.

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Residential Tenancy Branch