



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: CNC FF OPR MNR

This hearing was convened in response to applications by the tenants and the landlords.

The tenants' application is seeking orders as follows:

1. Allow more time to make an application; and
2. Cancel a notice to end tenancy for unpaid rent.

The landlords' application is seeking orders as follows:

1. An order for possession; and
2. A monetary order of unpaid rent.

### Preliminary Issue

This matter was set for hearing by telephone conference call at 2:00 P.M. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenants did not attend the hearing by 2:10 P.M, and the landlord appeared and was ready to proceed, I dismiss the tenants claim without leave to reapply.

The tenants were served with the landlords' Application for Dispute Resolution and Notice of Hearing on November 15, 2011, in person, however, the tenants did not appear. I find that the tenants have been duly served in accordance with the Act.

This hearing proceeded on the landlord's application.

The landlord gave affirmed testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

### Issue(s) to be Decided

Are the landlords entitled to an order of possession for unpaid rent?

Are the landlords entitled to a monetary order?

### Background and Evidence

Based on the testimony of the landlord, I find that the tenants were served with a notice to end tenancy for non-payment of rent on October 24, 2011, by personal service, which was witnessed. The notice informed the tenants that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenants had five days to dispute the notice. The tenants' application to dispute the notice was scheduled to proceed on this day and was dismissed because of their failure to attend the hearing.

### Analysis

Based on the above, the testimony, and evidence, and on a balance of probabilities, I find as follows:

The tenants have not paid the outstanding rent. The tenants' application to cancel the notice to end tenancy was dismissed.

I find that the landlords are entitled to an order of possession effective **two days** after service on the tenants. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlords have established a total monetary claim of \$3,600.00 for rent owed.

I order that the landlords retain the deposit and interest of \$600.00 in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$3,000.00.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

The landlords are at liberty to apply for further monetary claims against the tenants.

### Conclusion

The tenants failed to pay rent and did not appear at this hearing.

The landlords are granted an order of possession, and may keep the security deposit and interest in partial satisfaction of the claim. I grant a monetary order for the balance of rent due.

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 22, 2011.

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Residential Tenancy Branch