



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPC, 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 December 15, 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 \$4968.00 and recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$797.50 towards the claim.

Background and Evidence

The applicants testified that:

- The tenants have not paid the October 2011, November 2011, and December 2011 rent of \$1631.00 per month for a total of \$4893.00.

- The tenants were served with a 10 day Notice to End Tenancy for non-payment of rent on November 18, 2011 by posting on the door of the rental unit.
- The tenants have not returned possession of the rental unit to the landlords nor have they paid the outstanding rent.

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

| | |
|------------------------------------|-----------|
| Rent outstanding for October 2011 | \$1631.00 |
| Rent outstanding for November 2011 | \$1631.00 |
| Rent outstanding for December 2011 | \$1631.00 |
| Late fees \$25.00 X 3 | \$75.00 |
| Filing fee | \$50.00 |
| Total | \$5018.00 |

The applicants are therefore requesting an order allowing them to keep the full security deposit of \$797.50 towards the claim and are requesting that a monetary order be issued for the balance of \$4220.50.

Analysis

It is my finding that the landlords have shown that there is a total of \$4893.00 in rent outstanding to the end of December 2011 and therefore I allow their full claim for that outstanding rent and three months of late fees.

I also allow the request for an Order of Possession, because the landlords have shown they have served a proper 10 day Notice to End Tenancy, and the end of tenancy date is well past.

I also order recovery of the \$50.00 filing fee

Conclusion

I have allowed the landlords full monetary claim of \$5,018.00, and I therefore order that the landlords may retain the full security deposit of \$797.50 and have issued a monetary order in the amount of \$4220.50.

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

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: January 04, 2012.

Residential Tenancy Branch