



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, 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 January 19, 2012, 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 in the amount of \$1921.32, and a request for recovery of the filing fee. The applicant is also requesting an order to keep the full security deposit towards the claim.

Background and Evidence

The applicant testified that:

- The tenants failed to pay the full December 2011 rent, and failed to pay any January 2012 rent and therefore on January 5, 2012, a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenants did not comply with that Notice to End Tenancy and did not pay the outstanding rent until January 23, 2012. The outstanding amount was accepted for use and occupancy only.
- The tenants have now failed to pay the February 2012 rent as well.

They are therefore requesting an Order of Possession for as soon as possible, and a monetary order for the outstanding February 2012 rent.

Analysis

It is my finding that the tenants have failed to comply with a properly served 10 day Notice to End Tenancy and failed to pay the outstanding rent within the five day grace period. Therefore the landlords have the right to an Order of Possession.

It is also my finding that the landlords have shown that, at this time, there is a total of \$920.32 in rent outstanding for the month of February 2012, and I therefore allow the landlords request for a monetary order.

I also order recovery of the \$50.00 filing fee.

Conclusion

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

I have allowed the landlords reduced monetary claim of \$970.32, and I therefore order that the landlords may retain the full security deposit of \$450.00 and I have issued a monetary order in the amount of \$520.32.

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: February 07, 2012.

Residential Tenancy Branch