



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, 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 was served with notice of the hearing by hand on February 1, 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 for \$1300.00, and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an order to keep the full security deposit of \$325.00 towards this claim.

### Background and Evidence

The applicant testified that:

- The tenant failed to pay the January 2012 rent and therefore was served with a 10 day Notice to End Tenancy.
- On January 3, 2012 the tenant paid a portion of the outstanding rent however there is still \$250.00 rent outstanding for January 2012.
- The tenant has failed to pay any rent for the month of February 2012 and therefore the full rent of \$650.00 for February 2012 is still outstanding.

They are therefore requesting an Order of Possession for as soon as possible, and order for the outstanding rent of \$900.00.

### Analysis

It is my finding that the landlords do have the right to an Order of Possession, because the tenant has still not paid the full January 2012 rent.

I also allow the landlords request for a monetary order in the amount of \$900.00 for outstanding rent as I find that there is \$250.00 rent outstanding for January 2012, and the full \$650.00 rent outstanding for February 2012.

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 respondent.

I have allowed the landlords full reduced monetary claim of \$950.00, and I therefore order that the landlord may retain the full security deposit of \$325.00 and have issued a monetary order in the amount of \$625.00

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 20, 2012.

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Residential Tenancy Branch