



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, FF, MNR, MNSD

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 testified that the respondent was served with notice of the hearing by registered mail that was mailed on June 8, 2012, however the respondent 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 \$2610.00, 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 \$425.00 towards the claim.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the May 2012 rent of \$870.00 and therefore on May 15, 2012 the tenant was personally served with a 10 day Notice to End Tenancy.
- The tenant has failed to comply with the Notice to End Tenancy and failed to pay the outstanding rent within the five day grace period.
- The tenant also failed to pay the June 2012 rent in the amount of \$870.00, however on June 11, 2012 the tenant finally paid the May 2012 rent of \$870.00 and it was accepted for use and occupancy only.

The applicants are therefore requesting an Order of Possession for as soon as possible and an order for the outstanding June 2012 rent plus the filing fee.

Analysis

It is my finding that the landlords have served the tenant with a valid 10 day Notice to End Tenancy for non-payment of rent and the tenant has failed to comply with that notice.

I therefore allow the landlords request for an Order of Possession.

The tenant has also failed to pay the June 2012 rent in the amount of \$870.00 and therefore I allow the landlords request for a monetary order for that outstanding rent.

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

Conclusion

I have issued an Order of Possession for 1 p.m. on June 30, 2012.

I have allowed a monetary claim of \$920.00 and I therefore order that the landlord may retain the full security deposit of \$425.00 and I have issued a monetary order in the amount of \$495.00.

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: June 27, 2012.

Residential Tenancy Branch