



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, OPR, MNR, MNSD, FF

### Introduction

This hearing was convened in response to applications by the tenant and the landlord.

The tenants' application is seeking orders as follows:

1. To cancel a ten day notice for unpaid rent;
2. To have the landlord make repairs to the unit, site or property; and
3. Suspend or set condition of the landlord's right to enter the rental unit.

The landlord's application is seeking orders as follows:

1. For an order of possession for unpaid rent;
2. For a monetary order for unpaid rent;
3. To keep all or part of the security deposit; and
4. Recover the filing fee from the tenant.

### Preliminary Issue

This matter was set for hearing by telephone conference call at 11:30 A.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 tenant did not attend the hearing by 11:40 A.M, and the landlord appeared and was ready to proceed, I dismiss the tenants' application without leave to reapply.

Although served with the landlord's Application for Dispute Resolution and Notice of Hearing by personal service on June 14, 2012 and by registered mail sent on June 14, 2012, the tenants did not appear. I find the tenants have been duly served in accordance with the Act.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession for unpaid rent?  
Is the landlord entitled to a monetary order for unpaid rent?  
Is the landlord entitled to keep all or part of the security deposit?  
Is the landlord entitled to recover the cost of filing fee from the tenant?

### Background and Evidence

Based on the testimony of landlord's agent, I find that the tenants were served with a notice to end tenancy for non-payment of rent on June 5, 2012, by posting to the door, which was witnessed. The notice informed the tenant that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenant had five days to dispute the notice.

The landlord's agent testified the tenants did not pay rent for June 2012, and July 2012. The landlord is seeking compensation for unpaid rent in the amount of \$1,400.00. The landlord's agent stated the tenants paid a security deposit of \$437.50.

### Analysis

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

The tenants' filed an application for dispute resolution and were requesting that the ten day notice to end tenancy for unpaid rent be cancelled, however, the tenants' did not attend at today's hearing, and as a result their application was dismissed. Therefore, I find that the landlord is 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 landlord has established a total monetary claim of \$1,450.00 comprised of rent for June 2012, and July 2012 and the \$50.00 fee paid by the landlord for this application.

I order that the landlord retain the security deposit and interest of \$437.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1,012.50**. This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

### Conclusion

The tenants did not attend at today's hearing; the tenants' application in its entirety is dismissed without leave to reapply.

The landlord is 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 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: July 06, 2012.

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Residential Tenancy Branch