



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR, MNDC, MNSD, FF / MT, CNR, MNDC, RP

Introduction

This hearing was scheduled in response to 2 applications: i) by the landlord for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee; ii) by the tenant for more time to make an application to cancel a notice to end tenancy / cancellation of a notice to end tenancy / a monetary order as compensation for damage or loss under the Act, Regulation or tenancy agreement / and an order instructing the landlord to make repairs to the unit, site or property.

The landlord participated in the hearing and gave affirmed testimony. Despite scheduling of the hearing in response to applications by both parties, the tenant did not appear.

The landlord's application for dispute resolution and notice of hearing (the "hearing package") was served on the tenant by way of registered mail. Evidence submitted by the landlord includes the Canada Post tracking number for the registered mail.

Issue(s) to be Decided

Whether either party is entitled to any of the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Two previous decisions have been issued in regard to this tenancy: file #790355, decision dated May 7, 2012 & file #792935, decision dated July 4, 2012.

Pursuant to a written tenancy agreement, the tenancy began on October 1, 2011. Monthly rent of \$750.00 is due and payable in advance on the first day of each month, and a security deposit of \$375.00 was collected.

Arising from rent which remained overdue on July 1, 2012, the landlord issued a 10 day notice to end tenancy for unpaid rent dated July 4, 2012. The notice was served by way of posting on the tenant's door on that same date. A copy of the notice was submitted in evidence. Subsequently, while the tenant filed an application to dispute the notice on July 16, 2012, he made no further payment toward rent and he continues to reside in the unit.

Compensation sought by the landlord in his current application is as follows:

- \$455.00: unpaid rent for April
- \$750.00: unpaid rent for May
- \$750.00: unpaid rent for June
- \$750.00: unpaid rent for July
- \$750.00: unpaid rent for August
- \$50.00: filing fee
- \$50.00: additional filing fee

Total: \$3,555.00

Analysis

The full text of the Act, Regulation, Residential Tenancy Policy Guidelines, Fact Sheets, forms and more can be accessed via the website: www.rto.gov.bc.ca

Based on the documentary evidence and affirmed / undisputed testimony of the landlord, I find that the tenant was served with a 10 day notice to end tenancy for unpaid rent dated July 4, 2012. The tenant neither paid the outstanding rent nor filed an application to dispute the notice within 5 days of receiving it. Further, the tenant failed to attend the hearing scheduled in response to his (late) application and the landlord's application. Accordingly, the tenant's application is hereby dismissed in its entirety, and I find that the landlord has established entitlement to an order of possession.

As to compensation I find that the landlord has established entitlement to a claim of \$1,925.00, comprised as follows:

- \$1,500.00: unpaid rent combined for June & July (2 x \$750.00)
- \$375.00: unpaid rent / loss of rental income from August 1 to 15
- \$50.00: filing fee

The aspects of the landlord's current application concerning compensation for unpaid rent for April of \$455.00, and unpaid rent for May of \$750.00 are hereby dismissed, as a monetary order has already been issued in favour of the landlord for these amounts pursuant to the decision dated May 7, 2012.

While the landlord has succeeded in his application to recover the filing fee arising from this present hearing, his application to also recover the filing fee arising from the previous hearing and decision dated July 4, 2012 is hereby dismissed, as that was a separate and distinct proceeding from the current proceeding.

I order that the landlord retain the security deposit of \$375.00, and I hereby grant the landlord a monetary order for the balance owed of \$1,550.00 (\$1,925.00 - \$375.00).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,550.00**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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: August 2, 2012.

Residential Tenancy Branch