



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPT CNR MNDC

Introduction

This hearing was scheduled to deal with applications by both the landlord and the tenants. The tenants were seeking an order cancelling the landlord's Notice to End Tenancy for Cause and the landlord applied for an order of possession and a monetary order. Both parties requested recovery of the filing fee from each other.

Despite having their own application set for this hearing and having been served with the landlord's application for dispute resolution by registered mail sent on July 30, 2012, the tenants failed to attend the conference call hearing.

As a result of the tenants' failure to attend the hearing, the tenants' application for an order cancelling the Notice to End Tenancy is dismissed. The tenants' request to recover their filing fee is also dismissed.

Issue(s) to be Decided

Is the landlord entitled to an order of possession and a monetary order?

Background and Evidence

The tenants were served with a 1 Month Notice to End Tenancy on July 12, 2011. The tenants disputed the Notice but failed to show for the hearing as noted above. The landlord also claims that the tenants received three by-law infraction notices in July each of which carried a \$200.00 fine. Copies of the Notices were submitted into evidence.

Analysis

The landlord has requested an order of possession and a monetary order. I shall deal with each of these in turn.

Order of Possession - Although the tenants disputed the Notice to End Tenancy, they did not appear for the hearing to present their application which means the original Notice is essentially undisputed. As a result the landlord is entitled to an order of possession on the basis that the tenants are conclusively presumed to have accepted that the tenancy came to an end on the date indicated on the Notice namely, August 31, 2012.

Monetary Order – The landlord has requested a monetary order against the tenants in the amount of \$600.00. This amount is comprised of three fines in the amount of \$200.00 each levied against the tenants by the Centuria Urban Village Strata Council. As stated above, copies of the infraction notices were submitted by the landlord into evidence.

Based on the landlord's testimony and the documentary evidence before me, I am satisfied that the landlord has established its monetary claim.

Conclusion

I find that the landlord is entitled to an order of possession effective August 31, 2012. This order may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to a monetary order against the tenants in the amount of \$650.00 comprised of the amounts levied for by-law infractions and the \$50.00 filing fee paid by the landlord for this application.

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*.