



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MND, MNR, MNSD, MNDC, FF

### 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 August 25, 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 nonpayment of rent, a request for a monetary order for \$8,200.00, a request for recovery of the \$100.00 filing fee, and request to retain the full security deposit of \$675.00 towards the claim.

### Background and Evidence

The applicant testified that:

- This tenancy began on October 1, 2011 with a monthly rent of \$1350.00.
- The tenant has not paid any rent for the months of May 2012, June 2012, July 2012, August 2012, and September 2012.
- A 10 day Notice to End Tenancy was personally served to the tenant on June 26, 2012 however the tenant has failed to comply with that notice.
- It appears that the tenants may have moved out of the rental unit, however the keys have not been returned and therefore they are not sure that the tenant has vacated.

The applicants are therefore requesting an Order of Possession for as soon as possible and a Monetary Order as follows:

May 2012 rent outstanding	\$1350.00
June 2012 rent outstanding	\$1350.00
July 2012 rent outstanding	\$1350.00
August 2012 rent outstanding	\$1350.00
September 2012 rent outstanding	\$1350.00
Filing fee	\$100.00
Total	\$6850.00

The applicants further stated that they are withdrawing the remainder of their claim for damages, and will re-file a claim for damages after they gain possession of the rental unit and assess the overall damage to the unit.

#### Analysis

It is my finding that the landlords have shown that there is a total of \$6,750.00 in rent outstanding and therefore I allow that portion of their claim.

It is also my finding that the tenants have been served with a valid 10 day Notice to End Tenancy and have failed to comply with that notice, and therefore I also allow the request for an order of possession.

I also order recovery of the filing fee.

#### Conclusion

I have allowed the landlords full claim of \$6,850.00 and I therefore order that the landlord may retain the full security deposit of \$675.00 and have issued a monetary order for the remaining \$6,175.00.

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: September 25, 2012.

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Residential Tenancy Branch