



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MT, RR, FF, MNR, MNSD, OPB, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the landlords the opportunity to testify at the hearing.

The landlords testified that the tenant was served with notice of the hearing by registered mail it was mailed December 20, 2012; however the tenant did not join the conference call that was set up for the hearing.

Further the tenant had filed her own application for dispute resolution and the hearing was set for the same date and time, and therefore she was well aware of today's hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

The tenants application was a request to cancel a notice to end tenancy, a request for more time to dispute a notice to end tenancy, and request to reduce the rent, however since the tenant did not appear for today's hearing her application has been dismissed.

The landlord's application 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 or outstanding rent, a request for recovery of the \$50.00 filing fee, and request to retain the full security deposit towards the claim.

Background and Evidence

Landlord testified that:

- This tenancy began on September 7, 2012 with a monthly rent of \$550.00, and at that time security deposit of \$175.00 was collected.
- The tenant failed to pay \$175.00 of the November 2012 rent, and then failed to pay the full December 2012 rent and therefore on December 2, 2012 she was personally served with a 10 day notice to end tenancy for nonpayment of rent.
- To date the tenant has failed to comply with that notice to end tenancy and has failed to pay any further rent.
- They are therefore requesting an order of possession for as soon as possible and a monetary order as follows:

November 2012 rent outstanding	\$175.00
December 2012 rent outstanding	\$550.00
January 2013 rent outstanding	\$550.00
Filing fee	\$50.00
Total	\$1325.00

Analysis

It is my finding that the tenant has been served with a valid 10 day notice to end tenancy and has failed to comply with that notice. I therefore allow the landlord's request for an order possession.

It is also my finding that the landlords have shown that there is rent outstanding as claimed. I therefore allow the full monetary claim.

Conclusion

Tenant's application

The tenant's application is dismissed without leave to re-apply.

Landlord's application

I have issued an order of possession that is enforceable two days after service on the tenant.

I have allowed a monetary claim of \$1325.00 and I therefore order that the landlord may retain the full security deposit of \$175.00 and I've issued a monetary order in the amount of \$1150.00.

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: January 15, 2013

Residential Tenancy Branch

