



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPC MNSD MNDC FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession pursuant to a notice to end tenancy for cause, as well as for monetary compensation and an order to retain the security deposit in partial compensation of the monetary claim.

The landlord participated in the teleconference hearing, but the tenant did not call into the hearing. The landlord stated that on May 14, 2013 he personally served the tenants with the application for dispute resolution and notice of hearing. I accepted the landlord's evidence regarding service of notice of the hearing on the tenants, and I proceeded with the hearing in the tenants' absence.

### Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to monetary compensation as claimed?

### Background and Evidence

The tenancy began on April 1, 2012. On April 15, 2013, the landlord served the tenants a notice to end tenancy for cause. The tenants did not apply to cancel the notice.

The landlord stated that he applied for monetary compensation because the tenants damaged the rental unit. The tenants have not yet vacated the rental unit.

### Analysis

I find that the tenants were served with a notice to end tenancy and they did not dispute the notice; the tenants are therefore conclusively presumed to have accepted the notice. The landlord is entitled to an order of possession.

The landlord's application for monetary compensation for damage to the rental unit is premature, as the tenancy has not yet ended and the tenants may repair the damage before they vacate.

As the landlord's application for an order of possession was successful, I find he is entitled to recovery of the filing fee for the cost of his application.

### Conclusion

The landlord's monetary claim and claim to retain the security deposit are dismissed with leave to reapply.

I grant the landlord an order of possession effective two days from service. The tenants must be served with the order of possession. Should the tenants 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.

I grant the landlord a monetary order pursuant to section 72 for \$50 representing the fee paid under section 59.

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: June 6, 2013

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Residential Tenancy Branch