



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, CNR, MNR, MNDC, FF

Introduction

This hearing dealt with two related applications. File 810310 is the landlords' application for an order of possession and a monetary order. File 810086 is the tenant's application for an order setting aside the notice to end tenancy. Although served with the landlords' application for dispute resolution and notice of hearing by personal service on July 18, 2013, the tenant did not appear.

One of the landlords had been incorrectly named on the tenant's application for dispute resolution. This decision and accompanying orders reflect the correct spelling of the landlord's name.

Issue(s) to be Decided

- Is the landlord entitled to an order of possession and, if so, upon what terms?
- Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This month-to-month tenancy commenced June 1, 2013. The monthly rent of \$550.00 is due on the first day of the month. The tenant paid a security deposit of \$275.00.

The landlord testified that the tenant was served with a 10 Day Notice to End Tenancy for Non-Payment of Rent when it was posted to the door of the rental unit on July 9, 2013. The tenant filed his application for an order setting aside the notice to end tenancy on July 12, 2012.

The landlord testified that the tenant had not paid the rent for July or August and the arrears total \$1100.00.

Analysis

Based on the above, the testimony and evidence, and on a balance of probabilities, I find as follows:

The tenant did not appear on his application and the landlord did. As a result his application for an order setting aside the notice to end tenancy is dismissed. In addition, I find that the notice was in the correct form; it was properly served; at the time the notice was served, there were arrears of rent owing; and the arrears have not been paid. Based on the above facts I find that the landlords are entitled to an order of possession effective two days after service on the tenant.

I find that the landlords have established a total monetary claim of \$1150.00 comprised of arrears of rent in the amount of \$1100.00 and the \$50.00 fee paid by the landlords for their application. Pursuant to section 72 I order that the landlords retain the deposit of \$275.00 in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$875.00.

Conclusion

- a. An order of possession effective two days after service on the tenant has been granted. If necessary, this order may be filed in the Supreme Court and enforced as an order of that Court.
- b. A monetary order in favour of the landlord in the amount of \$875.00 has been granted. If necessary, it may be filed in the Provincial Court (Small Claims) 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 20, 2013

Residential Tenancy Branch

