



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, OPR, MNR, MDSD, & FF

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the one month Notice to End Tenancy was sufficiently served on the Tenant by posting on June 16, 2013. I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant by posting on July 16, 2013. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the Landlord was personally served on the Tenant on July 27, 2013.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the Tenant is entitled to an order cancelling the one month Notice to End Tenancy dated June 16, 2013?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?

- e. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 15, 2011. The rent was \$750 per month payable on the fifteenth day of each month.

The tenant(s) failed to pay the rent for the period July 15, 2013 to August 14, 2013 and the sum of \$750. The tenant(s) have remained in the rental unit.

Tenant's Application for an Order to Cancel the one month Notice to End Tenancy:

The one month Notice to End Tenancy dated June 16, 2013 alleges the tenant is repeatedly late paying the rent. After hearing all of the evidence I determined the tenant has paid the rent late on more than 3 occasions. As a result I determined there is no basis for cancelling the one month notice and the tenant's application is dismissed.

Landlord's Application - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) has not made an application to set aside the 10 day Notice to End Tenancy and the time to do so has expired. Further, the tenant's application to cancel the one month Notice to End Tenancy has been dismissed. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the period July 15, 2013 to August 14, 2013 and the sum of \$750. I granted the landlord a monetary order in the sum of \$750 plus the sum of \$50 in respect of the filing fee for a total of \$800.

Security Deposit

I determined the security deposit plus interest totals the sum of \$375. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$425.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court 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 02, 2013

Residential Tenancy Branch