



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Nova Pacific Environmental
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF, AAT, ERP, LRE, MNDC, MNR, MT, OLC,
PSF, RP, RPP, RR

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant has filed an application seeking an order to have the Ten Day Notice for Unpaid Rent or Utilities set aside, a monetary order for compensation for loss or damage suffered under the Act, regulation or tenancy agreement, an order to limit the landlords entry into the unit or suite, an order to have the landlord conduct emergency repairs, an order to allow the tenant a rent reduction, an order to have the landlord conduct repairs, an order to allow the tenant access to the unit or suite, an order to have the landlord comply with the Act and an order to have the landlord provide services or facilities as required under the Act, regulation or tenancy agreement. Both parties participated on the first scheduled date. The tenant requested an adjournment as she required more time to prepare and submit evidence. Initially the landlord did not agree to the adjournment but later conceded to allow the parties to exchange further evidence and have discussions to potentially resolve some of the issues. The landlord participated in today's hearing, the tenant did not; the hearing proceeded in the tenants absence. The landlord gave affirmed evidence.

Issues to be Decided

Is either party entitled to any of the above under the Act, regulation, or the tenancy agreement?

Background and Evidence

The tenancy began on or about April 1, 2010. Rent in the amount of \$1611.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$787.50. The landlord advised that the amount of unpaid rent as of today's hearing is \$9383.22. The landlord is also seeking \$2665.00 for unpaid utilities.

Analysis

I accept the landlord's testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although she did apply for dispute resolution to dispute the notice she did not provide sufficient evidence to have the notice set aside. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant 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.

The landlord was seeking \$2665.00 for unpaid utilities however the landlord did not provide sufficient evidence to support that claim and I dismiss that portion of his application.

As for the monetary order, I find that the landlord has established a claim for \$9383.22 in unpaid rent. The landlord is also entitled to recovery of the \$100.00 filing fee. I order that the landlord retain the \$787.50 deposit and I grant the landlord an order under section 67 for the balance due of \$8695.72. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenant chose not to participate in today's hearing. Based on the insufficient evidence submitted by the tenant I dismiss her application in its entirety without leave to reapply.

Conclusion

The landlord is granted an order of possession and a monetary order for \$8695.72. The landlord may retain the security deposit.

The tenant's application is dismissed in its entirety without leave to reapply.

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: October 30, 2013

Residential Tenancy Branch

