



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Bayside Property Services Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a monetary Order for outstanding rent, late fees, and NSF fees.

A substantial amount of documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

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

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed February 6, 2014; however the respondent did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing, and therefore it's my finding that the respondent has been properly served with notice of today's hearing. The hearing therefore went ahead in the absence of the respondent.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to an Order of Possession?

Is the applicant entitled to a Monetary Order, and if so in what amount?

Background and Evidence

The applicant testified that:

- The tenant has fallen well behind and the rent and therefore on January 3, 2014 the tenant was personally served with a 10 day Notice to End Tenancy.
- The tenant failed to pay the complete outstanding rent, and has failed to pay any rent for the months of February 2014, and March 2014.
- Any rent that was collected since the Notice to End Tenancy was given, has been accepted for use and occupancy only.

- They are therefore requesting an Order of Possession for as soon as possible, and a monetary Order as follows:

January 2014 rent still outstanding	\$97.00
February 2014 rent outstanding	\$757.00
March 2014 rent outstanding	\$757.00
NSF fees 1 X \$25.00	\$25.00
Late rent fees 4 X \$25.00	\$100.00
Filing fee	\$50.00
Total	\$1786.00

They therefore requesting Order allowing them to keep the full security deposit plus interest towards this outstanding amount, and request a monetary Order be issued for the difference.

Analysis

It is my finding that the applicants have shown that the respondent was served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice and they therefore allow the request for an Order of Possession.

It is also my finding that the landlord has established the full monetary claim listed above, and I therefore allow the request to retain the full security deposit towards the claim and will be issuing a monetary Order for the balance.

Conclusion

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

I have allowed the full monetary claim of \$1786.00, and I therefore Order that the landlord may retain the full security deposit of \$292.50, plus accrued interest of \$29.89, and I've issued a monetary Order in the amount of \$1463.61.

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: March 24, 2014

Residential Tenancy Branch

