



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute codes OP MNR MNSD FF

Introduction

This hearing dealt with an applications by the tenant and by the landlord. The tenant applied to cancel a 10 day Notice to End Tenancy for unpaid rent. The landlord applied for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear his own application was scheduled for hearing and although he was served with the landlord's Application for Dispute Resolution and Notice of Hearing by registered mail sent on February 19, 2014.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on April 15, 2008. The current monthly rent is \$717.00 due in advance on the first day of each month. The tenant paid a security deposit of \$337.50 on April 5, 2010. The tenant paid rent for December, 2013 late and he did not pay rent for January when it was due. The tenant failed to pay rent for February and on February 2, 2014 the landlord personally served the tenant with a Notice to End Tenancy for non-payment of rent. The tenant applied to dispute the Notice to End Tenancy, but he has not attended this hearing and his application is therefore dismissed without leave to reapply. The tenant has not paid rent for January, February or for March and his application to dispute the Notice to End Tenancy has been dismissed.

Analysis

The tenant has not paid the full amount of rent stated in the Notice to End Tenancy within five days and his application to dispute the Notice to End Tenancy has been dismissed. Pursuant to section 55 the landlord is therefore entitled to an order for possession as requested by his application.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit – according to the landlord's records the tenant owes \$685.00 for January rent and \$717.00 for February and \$717.00 for March. I find that the landlord has established a total monetary claim of \$2,119.00 for the outstanding rent for January, February and March. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$2,169.00. I order that the landlord retain the deposit and interest of \$341.25 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,827.75. This order may be filed in the Small Claims 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: March 27, 2014

Residential Tenancy Branch

