



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord for an order of possession, for a monetary order and an order to retain the security deposit in partial satisfaction of the claim.

Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail on April 10, 2014, the tenants did not appear. I find that the tenants have been duly served in accordance with the Act. Canada post tracking numbers were provided as evidence.

The landlord's agent appeared, gave testimony and was provided the opportunity to present their evidence orally and in written and documentary form, and to make submissions to me.

Issues to be Decided

Is the landlord entitled to an order of possession for unpaid rent?

Is the landlord entitled to a monetary order?

Is the landlord entitled to retain the security deposit in partial satisfaction of the claim?

Is the landlord entitled to recover the cost of the filing fee?

Background and Evidence

Based on the testimony of landlord's agent, I find that the tenants were served with a notice to end tenancy for non-payment of rent on March 5, 2014, by posting to the door. The notice informed the tenants that the notice would be cancelled if the rent was paid within five days. The notice also explains the tenants had five days to dispute the notice.

The landlord's agent stated that the tenants did not pay the full amount of rent due within five days of receiving the notice and did not dispute the notice. The agent stated

that they are not seeking an order of possession as the tenants are making the effort to pay rent arrears.

The landlord's agent stated that they seek a monetary order to recover the cost of the filing fee from the tenants.

Analysis

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

I find the tenants have breached section 26 of the Act, when they failed to pay rent when due under the terms of the tenancy. The tenants were served with a notice to end the tenancy for nonpayment of rent. The tenants did not pay the outstanding rent within five days and the tenants did not dispute the notice. Although the landlord is entitled to an order of the possession, the landlord has agreed to continue the tenancy as the tenants are making the effort to pay rent arrears.

As the landlord's application had merit, I find that the landlord is entitled to recover the cost of the filing fee from the tenants. The landlord is granted a formal order in the amount of \$50.00.

This order may be filed in the Provincial Court (Small Claims) and enforced as an order of that court.

Conclusion

The landlord was no longer seeks an order of possession.

The landlord is granted a monetary order to recover the cost of the filing fee.

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: May 23, 2014

Residential Tenancy Branch

