



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Royal LePage Merritt Real Estate Services
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$4500.00, and request to retain the full security deposit of \$450.00 towards the claim. The applicant is also requesting recovery of the filing fee.

The applicant testified that the respondent(s) were both served with notice of the hearing by personal service on March 27, 2014 however the respondent(s) did not join the conference call that was set up for the hearing.

Since both respondents were properly notified of today's hearing, this hearing went ahead without the respondents.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order for outstanding rent in the amount of \$4500.00?

Background and Evidence

The applicant testified that:

- This tenancy began on November 1, 2012 with a monthly rent of \$900.00 and a security deposit of \$450.00 was paid in October of 2012.

- The tenants had fallen behind on the rent and therefore on February 6, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenants have failed to comply with that notice and have failed to pay any further rent.
- They are therefore requesting an Order of Possession for soon as possible and a Monetary Order as follows:

January 2014 rent outstanding	\$900.00
February 2014 rent outstanding	\$900.00
March 2014 rent outstanding	\$900.00
April 2014 rent outstanding	\$900.00
May 2014 rent outstanding	\$900.00
Filing fee	\$50.00
Total	\$4550.00

Analysis

I have reviewed the evidence provided by the landlord and it's my finding that the tenants have been served with a valid 10 day Notice to End Tenancy and I therefore allow the landlords request for an Order of Possession based on that notice.

It is also my finding that the landlords have shown that there is five months rent outstanding totaling \$4500.00. I therefore also allow the request for the Monetary Order.

I further allow the request for recovery of the filing fee.

Conclusion

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

I have allowed the full monetary claim of \$4550.00 and I therefore order that the landlords may retain the full security deposit of \$450.00, and I've issued a Monetary Order in the amount of \$4100.00.

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 07, 2014

Residential Tenancy Branch

