



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Yaran Investments Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR OPR MNR MNSD MNDC FF O

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession pursuant to a notice to end tenancy for unpaid rent, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel the notice to end tenancy. The landlord and one of the tenants participated in the teleconference hearing.

Preliminary Issues

Request for Adjournment

At the outset of the hearing, the tenant requested an adjournment. He stated that he was in a car accident the evening before the hearing, and he had to go to the hospital for x-rays. The tenant was unable to provide a specific time that he was required to go to the hospital. The tenant stated that the other tenant, his wife, had moved away. The tenant also stated that the landlord could have an order of possession because he has moved out of the rental unit.

In his application, filed April 22, 2014, the tenant indicated that the reason he was applying to cancel the notice to end tenancy for unpaid rent was that he fell into arrears due to medical issues, and he needed time to put all monies together.

I denied the tenant's request for an adjournment and proceeded with the hearing. The tenant had not paid rent for several months, and it would be highly prejudicial to the landlord to further delay the hearing. Additionally, the tenant did not provide a specific time that he was required at the hospital. The file record shows that the tenant was advised that he could have an agent to represent him at the hearing.

Tenant's Application Dismissed

The tenant stated that he had already vacated the rental unit and he was not opposed to the landlord receiving an order of possession. I therefore dismissed the tenant's application and issued an order of possession.

Issue(s) to be Decided

Is the landlord entitled to monetary compensation as claimed?

Background and Evidence

The tenants moved into the rental unit in 2010. In April 2010 the tenants paid the landlord a security deposit of \$700 and a pet deposit of \$700. The most recent tenancy agreement between the parties began on May 1, 2013, and established monthly rent at \$1395.

In the hearing, the landlord stated that the tenants owed \$5160 in unpaid rent. The landlord stated that the security and pet deposits were already put toward unpaid rent. The tenant did not dispute this evidence.

Analysis

Based on the landlord's undisputed evidence, I find that the landlord has established a claim for \$5160 in unpaid rent.

The landlord is also entitled to recovery of the \$100 filing fee.

Conclusion

I grant the landlord an order of possession effective two days from service. 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.

I grant the landlord an order under section 67 for the balance due of \$5260. 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: June 12, 2014

Residential Tenancy Branch

