



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPC, MNSD, FF, MNR

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 \$650.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit of \$325.00 towards the claim.

Some documentary evidence and written arguments have 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(s) were served with notice of the hearing by registered mail on May 24, 2014, however the respondent(s) did not join the conference call that was set up for the hearing.

Document sent by registered mail are deemed served five days after mailing and therefore is my finding that the respondents have been properly notified of today's hearing. I therefore proceeded with the hearing in the absence of 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 of \$650.00 and recovery of the \$50.00 filing fee?

Background and Evidence

The applicants testified that:

- Originally they had applied for Dispute Resolution on May 20, 2014, requesting an Order of Possession based on an undisputed one month Notice to End Tenancy that was served on the tenants on May 2, 2014.
- The respondents however subsequently failed to pay the June 2014 rent, and therefore on June 6, 2014 the respondents were personally served with a 10 day Notice to End Tenancy for nonpayment of rent.
- They therefore amended their application to request an earlier Order of Possession, and an Order for the outstanding rent plus the filing fee and the amended application was sent by registered mail to the tenants on June 3, 2014.

- To date the tenants of failed to comply with the Notice to End Tenancy and have failed to pay any further rent.
- They are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent.

Analysis

It is my finding that the landlords have shown that the tenant was served with a 10 day Notice to End Tenancy for nonpayment of rent and has failed to comply with that notice within the required timeframe. I therefore allow the request for an Order of Possession.

It is also my finding that the landlords have shown that the tenants have failed to pay the June 2014 rent in the amount of \$650.00 and I therefore also allow the request for a Monetary Order for the outstanding rent recovery of the filing fee.

Conclusion

Pursuant to section 55 of the Residential Tenancy Act, 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 \$700.00 and I therefore Order that the landlords may retain the full security deposit of \$325.00, and pursuant section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$375.00.

Having issued an Order of Possession based on the 10 day Notice to End Tenancy, there is no need for me to issue a second Order of Possession based on the undisputed one month Notice to End Tenancy as this tenancy is ending earlier than it would have under the one month Notice to End Tenancy.

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 16, 2014

Residential Tenancy Branch