



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenants also filed an application seeking to have the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities set aside. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by personal service on June 12, 2014 in the presence of a witness. The tenants initiated the dispute resolution process by filing first and providing the landlord this date. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Are the tenants entitled to have the notice set aside?

Background and Evidence

The tenancy began on or about October 18, 2013. Rent in the amount of \$800.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$400.00. The tenant failed to pay rent in the month(s) of June and on June 2, 2014 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of July. The landlord stated that the tenants have made partial payments and the amount of unpaid rent as of today's hearing is \$200.00. The landlord stated that receipts were given to the tenants for their partial payments "for use and occupancy only, tenancy not reinstated".

Analysis

The tenants chose not to dial into today's conference call or submit any evidence for consideration; accordingly I dismiss the tenants' application in its entirety.

I accept the landlord's undisputed testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although the tenant did apply for dispute resolution to dispute the notice the tenants did not provide any evidence to have the notice set aside. Based on the above facts I find that the landlord is entitled to an order of possession. 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.

As for the monetary order, I find that the landlord has established a claim for \$200.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$250.00 from the deposit in full satisfaction of the claim.

Conclusion

The landlord is granted an order of possession. The landlord may retain \$250.00 from the security deposit.

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: July 31, 2014

Residential Tenancy Branch

