



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, MNSD, CNR & FF

Introduction

A hearing was conducted by conference call in the presence of the Landlord but in the absence of the tenants. I waited 10 minutes passed the scheduled start time and recalled the hearing. The tenants still had not appeared. I then proceeded with the hearing in the absence of the tenants. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenants on June 5, 2014 Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on July 3, 2014.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated June 5, 2014?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- e. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on December 1, 2012. The tenancy agreement provided that the tenant(s) would pay rent of \$1200 per month payable in advance on the last day of the previous month. The tenant(s) paid a security deposit of \$600 on November 16, 2012.

Tenants' Application:

The tenants failed to appear at the hearing. The landlord testified the tenant owe outstanding rent in the sum of \$555 for July. I determined there is no basis for an order to cancel the 10 day Notice to End Tenancy. **As a result I dismissed the tenants' application for an order cancelling the 10 day Notice to End Tenancy.**

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenants' application to set aside the Notice to End Tenancy has been dismissed. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. **Accordingly, I granted the landlord an Order for Possession on 2 days notice.**

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of July and the sum of \$555 remains outstanding. **I granted the landlord a monetary order in the sum of \$555 plus the sum of \$50 in respect of the filing fee for a total of \$605.**

Security Deposit

I determined the security deposit plus interest totals the sum of \$600. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$5.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial 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: August 01, 2014

Residential Tenancy Branch

