



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Keefer Lodge
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, OLC, LRE, LAT, OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with application by the tenant and by the landlord. The tenant applied to cancel a 10 day Notice to End Tenancy for unpaid rent and requested other relief. The landlord applied for an order of possession, a monetary order and an order allowing retention of the security deposit in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenant did not appear although this was the hearing of his application and although he was served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on August 22, 2014. The hearing was kept open for 15 minutes. In the absence of an appearance by the tenant by 2:45 P.M. the tenant's application is dismissed without leave to reapply

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began in May, 2013. The rent is \$311.00 due in advance on the 11th day of each month. The tenant paid a security deposit of \$155.50 at the start of the tenancy. The tenant did not pay rent for August when it was due. On August 12, 2014 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it to the door of the rental unit.. The tenant has not paid rent for August or for for September and his application to dispute the Notice to End Tenancy has now been dismissed without leave to reapply.

Analysis

Section 55 of the *Residential Tenancy Act* provides as follows:

55 (1) If a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, the director must grant an order of possession of the rental unit to the landlord if, at the time scheduled for the hearing,

(a) the landlord makes an oral request for an order of possession, and

(b) the director dismisses the tenant's application or upholds the landlord's notice.

Conclusion

Order for Possession - I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy and the landlord has applied for an order for possession. Pursuant to section 55 I grant the landlord an order for possession effective two days after service upon the tenant. This order may be registered in the Supreme Court and enforced as an order of that court.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$622.00 for the outstanding rent for August and September. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$672.00. I order that the landlord retain the deposit and interest of \$155.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$516.50. 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: September 30, 2014

Residential Tenancy Branch

