



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDC, OLC, RP, RR, MNR, MNSD, OPB, OPR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord(s). Both files were to be heard together; however the tenant did not join the conference call that was scheduled for the hearing.

As the tenant is well aware of the date and time of the hearing, the tenant's application is dismissed and I proceeded with the landlord's application in the tenant's absence.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Has the landlord established a monetary claim against the tenant, and if so in what amount.

Background and Evidence

The landlord testified that:

- This tenancy began on October 1, 2013 with a monthly rent of \$600.00, and at that time a security deposit of \$300.00 was collected.
- The rent was subsequently reduced to \$575.00 per month to compensate the tenant for loss of use of laundry facilities.
- The tenant failed to pay the July 2014 rent and therefore on July 3, 2014 the tenant was personally served with a 10 day Notice to End Tenancy.
- The tenant has failed to comply with that notice and has failed to pay the full outstanding rent.

- He is therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent, as follows:

| | |
|------------------------------|----------|
| July 2014 rent outstanding | \$125.00 |
| August 2014 rent outstanding | \$200.00 |
| Total | \$325.00 |

Analysis

It is my finding that the landlord has shown that the tenant has failed to pay rent totaling \$325.00 and I therefore allow that portion of the landlords claim.

It is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy, and the tenant has failed to pay the full outstanding rent within the five-day grace period, and has failed to comply with that Notice to End Tenancy, and I therefore also allow the request for an Order of Possession.

Conclusion

The tenant's application is dismissed in full without leave to reapply.

I have issued an Order of Possession pursuant to section 55 of the Residential Tenancy Act, that is enforceable two days after service on the respondent.

I have allowed the landlords full monetary claim of \$325.00, and I therefore order pursuant to section 38 of the Residential Tenancy Act that the landlord may retain the full security deposit of \$300.00, and I have issued a Monetary Order for the remaining \$25.00.

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 16, 2014

Residential Tenancy Branch

