



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, OPB, MND, MNR, MNDC, FF, SS

### Introduction

This is an application for an Order of Possession based on a Notice to and Tenancy for nonpayment of rent, and a request for a Monetary Order for \$21,000.00 and recovery of the \$100.00 filing fee.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed July 24, 2014; however the respondent(s) did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent(s) have been properly served with notice of the hearing and therefore I proceeded with the hearing in the absence of the respondents.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Have the applicants establish the right to an Order of Possession?

Have the applicants established a monetary claim against the respondents, and if so in what amount?

### Background and Evidence

The applicants testified that:

- This tenancy began on November 14, 2012 the monthly rent of \$1000.00.
- The tenants stopped paying rent at the end of 2012, and have paid no rent since.
- Therefore to the end of August 2014 there is a total of \$20,000.00 rent outstanding.
- The tenants also failed to pay their \$1000.00 security deposit.
- The tenants were personally served with a 10 day Notice to and Tenancy on July 15, 2014 however to date they have failed to return any keys or officially return possession to the landlords.

They are therefore requesting an Order of Possession for as soon as possible, and the Monetary Order for the outstanding rent plus the security deposit for a total of \$21,000.00.

They also request recovery of their \$100.00 filing fee.

### Analysis

It is my finding that the landlords have shown that the tenants have failed to pay rent since the end of December 2012 and I therefore allow the request for a Monetary Order for \$20,000.00 in outstanding rent.

I deny the request for an Order for the tenants to pay security deposit of \$1000.00, as I have no authority to Order the tenants to pay a security deposit.

It's also my finding however that the tenants were served with a valid 10 day Notice to and Tenancy and have failed to officially return possession to the landlord and I therefore have also allowed the request for an Order of Possession.

I further allow the request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 55 of the Residential Tenancy Act I have issued an immediate Order of Possession to the landlords.

Pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$20,100.00.

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 22, 2014

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Residential Tenancy Branch

