



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      CNR, MNDC, OLC LRE, RR OPR, MNR, MNDC, MDSD & FF

### Introduction

A hearing was conducted by conference call in the presence of two representatives of the Landlord and in the absence of the Tenant although duly served. 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 sufficiently personally served on the Tenant by posting on September 2, 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 September 29, 2014.

I ordered that the Application for Dispute Resolution filed by the landlord be amended to include a claim to retain the security deposit.

### Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated September 2, 2014?
- b. Whether the tenant is entitled to a monetary order and if so how much?
- c. Whether the tenant is entitled to an order suspending or setting conditions on the landlord's right to enter the rental unit?
- d. Whether the tenant is entitled to an order allowing the tenant to reduce rent for repairs, services or facilities agreed upon but not provided?
- e. Whether the landlord is entitled to an Order for Possession?
- f. Whether the landlord is entitled to A Monetary Order and if so how much?

- g. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- h. Whether the landlord is entitled to recover the cost of the filing fee?

### Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on November 1, 2013. The rent is \$800 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$400 at the start of the tenancy.

The tenant failed to pay the rent for September and November and the sum of \$1600 remains owing. The tenant continues to reside in the rental unit.

### Tenant's Application:

The tenant(s) failed to attend the hearing and failed to present any evidence to support her claim. **As a result I order that the tenant's claim be dismissed in its entirety without leave to re-apply.**

### Landlord's Claim - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant's application to cancel the 10 day 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 September and October and the sum of \$1600 remains outstanding. I granted the landlord a monetary order in the sum of \$1600 plus the sum of \$50 in respect of the filing fee for a total of \$1650. I dismissed the claim for loss of revenue for November as that claim is premature. The landlord has liberty to re-apply.

Security Deposit

**I determined the security deposit plus interest totals the sum of \$400. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1250.**

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

Dated: October 31, 2014

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Residential Tenancy Branch

