



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Homelife Peninsula Property Management  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, OPB, OPC, MNSD, MNR, MNDC, FF, OLC, MT, CNC

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenants have also filed an application seeking to have the 10 Day Notice to End Tenancy for Unpaid Rent or Utilities set aside. The landlord participated in the conference call hearing but the tenant(s) did not. The tenants initiated the dispute resolution process and I am satisfied that they were aware of the date of today's hearing and the time. The hearing proceeded in their absence. The landlord gave affirmed evidence.

### Issues to be Decided

Is either party entitled to any of the above under the Act, regulation or tenancy agreement?

### Background and Evidence

The tenancy began on or about November 1, 2012. Rent in the amount of \$1795.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$897.50. The tenant failed to pay rent in the month(s) of September and on September 16, 2014 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of October and November.

### Analysis

*I accept the landlord's undisputed testimony and* I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although they tenant did apply for dispute resolution to dispute the notice they did not provide any evidence to have the notice set

aside. The landlord advised that the tenants have now vacated the unit and no longer requires an order of possession; accordingly I dismiss that portion of the landlords' application.

As for the monetary order, I find that the landlord has established a claim for \$5385.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$897.50 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4537.50. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

The tenants have not been successful in their application.

### Conclusion

The landlord is granted a monetary order for \$4537.50. The landlord may retain the security deposit.

The tenants' application is dismissed in its entirety.

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: November 13, 2014

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Residential Tenancy Branch

