



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 600825 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute codes CNR, OLC, MNDC, ERP, OP, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the tenant to cancel a Notice to End Tenancy for unpaid rent and for other relief, including a monetary order and an order directing the landlord to make emergency repairs. 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 he was served with the landlord's Application for Dispute Resolution and Notice of Hearing and although this was the hearing of the tenant's own application. In the absence of an appearance by the tenant at the conference call hearing. The tenant's application for dispute resolution 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 on July 19, 2014. The rent is \$650.00 due in advance on the first day of each month. The tenant paid a security deposit of \$325.00 at the start of the tenancy. The tenant did not pay rent for October when it was due. The tenant gave the. On October 22, 2014 the landlord served the tenant with a Notice to End Tenancy for non-payment of rent by posting it on the tenant's door. The tenant applied to dispute the Notice, but his application for dispute resolution has been dismissed without leave to reapply. The tenant has not paid rent for October or for November. The tenant has alleged that there is a problem with bedbugs and that is why he has not paid rent. The landlord has enquired of all resident in the building and has not verified a bedbug problem. The landlord's representative noted that the tenant has no legitimate ground for withholding rent.

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.

I have dismissed the tenant's application to dispute the landlord's Notice to End Tenancy. The landlord has brought its own application for an order of possession.

Conclusion

Order of Possession - I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed 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 \$1,300.00 for the outstanding rent for October and November. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1,350.00. I order that the landlord retain the deposit and interest of \$325.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1,025.00. This order may be filed in the Small Claims Court and enforced as an order of that Court. The tenant's application is dismissed without leave to reapply

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 20, 2014

Residential Tenancy Branch

