



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of the landlords 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 Notice to End Tenancy was sufficiently served on the Tenant by posting on October 21, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on tenant on November 2, 2014. With respect to each of the applicant's claims I find as follows:

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 October 21, 2014
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- e. 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 March 1, 2014. The rent is \$600 per month payable in advance on the

last day of the previous month. The tenant paid a security deposit of \$300 on February 28, 2014. The tenant(s) failed to pay the rent for the months of October, November and December and the sum of \$1800 remains owing. The tenant continues to live in the rental unit.

Tenant's Application:

The tenant failed to attend the hearing. I determined there was no basis to cancel the 10 day Notice to End Tenancy. As a result I ordered that the tenant's application be dismissed. .

Landlords' Application:

Analysis - 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. **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 October, November and December and the sum of \$1800 remains owing. I dismissed the landlord's claim of \$800 for damage to the suite as that claim is premature. It is possible the tenant will repair the damage when he leaves. The landlord has liberty to re-apply. I granted the landlord a monetary order in the sum of \$1800 plus the sum of \$50 in respect of the filing fee for a total of \$1850.

Security Deposit

I determined the security deposit totals the sum of \$300. **I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1550.**

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 Tenancy Branch under section 9.1(1) of the Residential Tenancy Act.

Dated: December 05, 2014

Residential Tenancy Branch

