



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, ERP, LRE, MNSD, PSF, RP, FF OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of the landlords and in the absence of the tenants. 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 personally served on the Tenants on October 26, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlords was sufficiently served on the Tenants by mailing, by registered mail to the tenants' address for service on November 21, 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 tenants are entitled to an order cancelling the 10 day Notice to End Tenancy?
- b. Whether the tenants are entitled to an order for the return of the security deposit?
- c. Whether the tenants are entitled to an order for emergency repairs?
- d. Whether the tenants are entitled to a repair order
- e. Whether the tenants are entitled to an order to suspend or set conditions on the landlord's right to enter the rental unit?
- f. Whether the tenants are entitled to an order to recover the cost of the filing fee?
- g. Whether the landlord is entitled to an Order for Possession?
- h. Whether the landlord is entitled to A Monetary Order and if so how much?
- i. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- j. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The landlord testified he believes the tenants have been living in the rental unit since the spring of 2012. The landlord recently purchased the rental unit with possession on November 1, 2014. There is a tenancy agreement between the tenants and the previous landlords that provides that the rent is \$500 per month payable in advance on the 23rd day of each month. The tenants paid a security deposit of \$250 at the start of the tenancy.

The tenants vacated the rental unit at the end of November. The landlord testified the tenants paid the rent for the period October 23, 2014 to November 22, 2014. However, the sum of \$250 is owed for the previous rental payment.

Tenants' Application:

The tenants failed to attend the hearing. **As a result I order that all of the claims brought by the tenant be dismissed without leave to re-apply.**

Landlords' Application - Order of Possession:

It is no longer necessary to consider the landlords' application for an Order for Possession as the tenants have vacated the rental unit and the landlord has regained possession.

Landlords' Application - Monetary Order, Security Deposit and Cost of Filing fee

I determined the tenants owe the sum of \$250 in outstanding rent. The landlords are also entitled to the sum of \$50 for a total of \$300. I determined the security deposit plus interest totals the sum of \$250. The landlords stated they were interested in an order that they be permitted to retain the security deposit and they would waive their claim for the filing fee. **As a result I ordered the landlord may the security deposit in satisfaction of this claim.**

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 08, 2014

