



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, MNDC, RP, RR, OPR, MNR & FF

Introduction

A hearing was conducted by conference call in the presence of the landlord and in the absence of the Tenants 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 served on the Tenants by posting on October 28, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlords were sufficiently served on the Tenants by mailing, by registered mail to where the Tenants reside on November 3, 2014.

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 for non-payment of rent?
- b. Whether the tenants are entitled to a monetary order and if so how much?
- c. Whether the tenants are entitled to an order for repairs?
- d. Whether the tenants are entitled to an order for the reduction of rent for repairs, services or facilities agreed upon but not provided?
- e. Whether the landlords are entitled to an Order for Possession?
- f. Whether the landlords are entitled to A Monetary Order and if so how much?
- g. Whether the landlords are entitled to recover the cost of the filing fee?

Background and Evidence

The tenancy began on June 15, 2014 after the tenants took over from a previous tenant. The rent was \$1195 per month payable in advance on the 15th day of each month.

The tenant(s) failed to pay the rent for the period October 15, 2014 to November 14, 2014 and for the period November 15, 2014 to December 15, 2014 and the sum of \$2390 remains owing. The tenant(s) vacated the rental unit at the end of November.

Tenants' Application:

The tenants failed to attend the hearing. **As a result I ordered that the tenants' application be dismissed without liberty to re-apply.**

Analysis - Order of Possession:

The landlord testified he has regained possession of the rental unit. As a result it is no longer necessary to consider the landlords' application for an Order for Possession.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenants have failed to pay the rent for the for the periods October 15, 2014 to November 14, 2014 and November 15, 2014 to December 15, 2014 and the sum of \$2390 remains owing. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. **I granted the landlord a monetary order in the sum of \$2390 plus the sum of \$50 in respect of the filing fee for a total of \$2400.**

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 03, 2014

Residential Tenancy Branch

