Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   FF, MNDC, MNSD, MNR, OPR, MND

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a monetary order, and a request for recovery of the filing fee. The applicant is also requesting an order allowing him to keep the security deposit towards the claim.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed January 10, 2015 however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing. I therefore conducted the hearing in the absence of the respondent

All testimony was taken under affirmation.

Issue(s) to be Decided

Has the applicant established the right to an Order of Possession?

Has the applicant established a monetary claim against the respondent, and if so in what amount?

The applicant had also requested a monetary order for damage to the rental unit, however I will not deal with that request today as it does not relate to the main issue of nonpayment of rent.

The damage portion of the claim will be dismissed with leave to reapply.

Background and Evidence

This tenancy began on June 1, 2014 with a monthly rent of $850.00.

A security deposit of $425.00 had been paid on May 31, 2014.

The tenant only paid a portion of the October 2014 rent, and paid no rent for the month of December 2014, and therefore on December 9, 2014 the landlord served the tenant with a 10 day Notice to End Tenancy for nonpayment of rent.

The tenant paid a portion of the outstanding rent, which was accepted for use and occupancy only, however the tenant has now failed to pay the January 2015 rent.

Therefore the total amount of rent outstanding this time is as follows:

October 2014 rent outstanding	$364.16
January 2015 rent outstanding	$850.00
Total	$1214.16

The landlord is requesting an Order of Possession for as soon as possible, and an order for the outstanding rent.

Analysis

It is my finding that the landlord has shown that, as of today's date, there is a total of $1214.16 in outstanding rent, and therefore, pursuant section 67 of the Residential Tenancy Residential Tenancy Act, I allow the landlords request for a monetary order for that outstanding rent.

It is also my finding that the tenant has been served with a valid 10 day Notice to End Tenancy, and has failed to comply with that notice, and I therefore, pursuant to Section 46 & 55 of the Residential Tenancy Residential Tenancy Act, also allow the request for an Order of Possession.

I also allow the request for recovery of the $50.00 filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant.

I have allowed a total monetary claim of $1264.16 and I therefore order that the landlord may retain the full security deposit of $425.00, and I have issued a Monetary Order in the amount of $839.16.

As stated above the monetary claim for damage to the rental unit is dismissed with 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: January 28, 2015

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Residential Tenancy Branch