



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Harron Investments Inc.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Codes: CNR, OPR, MNSD, MNDC.

### Introduction:

This was an application by the tenant to cancel a Notice to End the Tenancy dated January 7, 2015 and a cross application by the landlords for an Order for Possession and monetary order pursuant to the same Notice. Only the landlord's agent MC attended the teleconference hearing.

### Issues:

Are the tenants entitled to any relief?

Is the landlord entitled to an Order for Possession and monetary Order?

### Background and Evidence:

Based upon the evidence of MC I find that the Notice to End a Residential Tenancy was served in person on the Tenant on January 7, 2015 by handing it to him. I find that the Application for Arbitration/Notice of Hearing was personally served on the tenant on January 16, 2015 by handing it to him. The tenant disputed the Notice but failed to attend the hearing.

CA testified that the two month fixed term tenancy began on December 1, 2014 with rent in the amount of \$ 805.00. The landlord holds a security deposit amounting to \$ 390.00 which was received on July 3, 2013. The landlord claimed for \$ 310.00 for arrears for January and loss of revenue for February 2015.

### Analysis:

As the tenant failed to attend the hearing I dismissed his application. I have confirmed the Notice to End the Tenancy. Section 55(1)(a) provides that the arbitrator must grant

an order of possession of the rental unit it, the landlord makes an oral request for an order of possession at a hearing where an arbitrator has dismissed the tenant's application. The landlord has made this request at the hearing. As a result I granted the landlord an Order for Possession effective two days after service on the tenant.

I find that the landlord has proven a claim for arrears amounting to \$ 310.00 for January. I allow the landlord's claim for loss of revenue for one half of February amounting to \$ 402.50. I also award the landlord recovery of the filing fee of \$ 50.00 for a total of \$ 762.50.

Conclusion:

I grant the landlord an Order for Possession which can be executed in the Supreme Court. I order that the landlord retain the deposit and interest of \$ 390.00 and I grant the landlord an order under section 67 for the balance due of \$ 372.50. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenant as soon as possible. The landlord has leave to reapply for further loss of revenue or other expenses.

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: February 03, 2015

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Residential Tenancy Branch

