



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNSD, OPR, MNR

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 her to keep the full security deposit towards the claim.

The applicant testified that the respondent(s) were served with notice of the hearing by personal service on January 13, 2015 however the respondent(s) did not join the conference call that was set up for the hearing.

Therefore it is my finding that the respondent(s) have been properly served with notice of the hearing and I conducted the hearing in the absence of the respondents.

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 monetary claim against the respondent, and if so in what amount?

Background and Evidence

The applicant testified that:

- This tenancy began on December 1, 2014 with a monthly rent of \$1200.00, and a monthly utility fee of \$75.00, for a total of \$1275.00.
- The tenants paid the full December rent and utilities and also paid a \$600.00 filing fee on December 1, 2014.
- The tenants failed to pay the January 2015 rent or utilities, and therefore, on January 2, 2015, a 10 day Notice to End Tenancy was posted on the tenants door.
- The tenants have failed to comply with that notice and have failed to pay any further rent.
- She is therefore requesting an Order of Possession for as soon as possible, a monetary order for the outstanding rent and utilities, and an order allowing her to keep the full security deposit towards the claim.

Analysis

It's my finding that the landlord has shown that the rent for this unit is \$1200.00 per month, with a monthly utility fee of \$75.00.

It's also my finding that the landlord has shown that the tenants failed to pay the January 2015 monthly rent and utility fee, and as a result on January 2, 2015 the tenants were served with a 10 day Notice to End Tenancy.

There is no evidence to show that the tenants have filed a dispute of that Notice to End Tenancy, or that they have paid any further rent, and therefore I allow the request for an Order of Possession.

Is also my finding that the landlord has shown that no rent or utilities has been paid for the months of January 2015 for February 2015.

I therefore will allow the following monetary claim.

January 2015 rent outstanding	\$1200.00
January 2015 utilities outstanding	\$75.00
February 2015 rent outstanding	\$1200.00

Filing fee	\$50.00
Total	\$2525.00

I have not allowed utilities for the month of February 2015, because this tenancy is ending, I have however allow February 2015 rent as I find it unlikely that it will be re-rented before the end of February 2015.

Conclusion

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

I have allowed a monetary claim of \$2525.00 and I therefore order that the landlord may retain the full security deposit of \$600.00, and I have issued a monetary order in the amount of \$1925.00.

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 02, 2015

Residential Tenancy Branch

