



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNDC, MNSD, FF, CNR, MNDC, RP

### Introduction

This hearing dealt with two related applications. One was the landlords' application for an order of possession based upon a 10 Day Notice to End Tenancy, a monetary order and an order permitting retention of the security deposit in partial satisfaction of the claim. The other was the tenant's application for an order setting aside the 10 Day Notice to End Tenancy, a monetary order and a repair order. Although an applicant on his own application and having been served with the landlords' application for dispute resolution and notice of hearing by personal service, the tenant did not appear.

As the tenant did not appear his claims are dismissed in full.

### Issue(s) to be Decided

- Are the landlords entitled to an order of possession and, if so, on what terms?
- Are the landlords entitled to a monetary order and, if so, in what amount?
- What order should be made regarding the security deposit?

### Background and Evidence

This tenancy commenced March 1, 2013 as a one year fixed term tenancy and has continued thereafter as a month-to-month tenancy. The monthly rent, which started at \$1000.00 and was increased by mutual agreement some months after the start of the tenancy to \$1100.00, is due on the first day of the month. The tenant paid a security deposit of \$500.00.

On March 18, 2015 the landlords issued and served a 10 Day Notice to End Tenancy on the tenant. The notice claimed arrears for March in the amount of \$650.00. The landlord testified that since he was served with the notice the tenant has not made any payment towards rent and the arrears for March and April now total \$1750.00.

Analysis

I find that there were arrears of rent owed when the notice to end tenancy was served on the tenant and that those arrears were not paid within the required time period. Accordingly, the landlords are entitled to an order of possession effective two days after service.

I find that the landlords have established a total monetary claim of \$1800.00 comprised of arrears of rent in the amount of \$1750.00 and the \$50.00 fee paid by the landlords to file this application. I order that the landlords retain the security deposit of \$500.00 in partial satisfaction of the claim and I grant the landlords an order under section 67 for the balance due of \$1300.00.

Conclusion

- a. An order of possession has been granted to the landlords. If necessary, this order may be filed in the Supreme Court and enforced as an order of that court.
- b. A monetary order has been granted to the landlords. If necessary, this order may be filed in Small Claims Court and enforced as an order of that court.
- c. The tenant's claims are dismissed in full.

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: May 01, 2015

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Residential Tenancy Branch

