



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of landlords in the absence of the tenant 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 tenant by placing in the mail slot on April 21, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was sufficiently served on the tenant by mailing, by registered mail to where the tenant resides on April 30, 2015.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated April 21, 2015
- b. Whether the tenant is entitled to an order to recover the cost of the filing fee?
- c. Whether the landlord is entitled to an Order for Possession?
- d. Whether the landlord is entitled to A Monetary Order and if so how much?
- e. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?
- f. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on December 15, 2015 and continue for one year. The rent is \$750 per month payable in advance on the 15th day of each month. The tenant paid a security deposit of \$275 at the start of the tenancy. The tenant(s) failed to pay the rent for the period March 15, 2015 to April 14, 2015 (\$150 is owed), April 15, 2015 to May 14, 2015 (\$750 is owed) and May 15, 2015 to June 14, 2015 (\$750 is owed) and the sum of \$1650 remains owing. I ordered that the application for loss of rent for the period June 15, 2015 to July 14, 2015 be dismissed with liberty to re-apply. The tenant(s) continue to reside in the rental unit.

Tenant's Application:

The tenant failed to appear at the hearing. As a result I ordered that the tenant's application to cancel the 10 day Notice to End Tenancy be dismissed. The tenant's application to recover the cost of the filing fee is also dismissed.

Landlord's Application - Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant's application to set aside the Notice to End Tenancy has been dismissed. Accordingly, I granted the landlord an Order for Possession on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the period March 15, 2015 to April 14, 2015 (\$150 is owed), April 15, 2015 to May 14, 2015 (\$750 is owed) and May 15, 2015 to June 14, 2015 (\$750 is owed) and the sum of \$1650 remains owing. **I granted the landlord a monetary order in the sum of \$1650 plus the sum of \$50 in respect of the filing fee for a total of \$1700.**

Security Deposit:

I determined the security deposit plus interest totals the sum of \$275. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1425.

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: June 08, 2015

Residential Tenancy Branch

