



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Belmont Properties
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC OPR MNR MNSD FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel a notice to end tenancy. The landlord participated in the teleconference hearing, but the tenant did not call into the hearing.

This matter was set for hearing by telephone conference call at 9:30 a.m. on this date. The line remained open while the phone system was monitored for ten minutes and the only participant who called into the hearing during this time was the landlord. Therefore, as the tenant did not attend the hearing by 11:10 a.m., and the landlord appeared and was ready to proceed, I dismiss the tenant's claim without leave to reapply.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on October 1, 2013. Current rent in the amount of \$740 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$365.

The landlord stated that on February 27, 2015 they served the tenant with a notice to end tenancy for cause. On March 4, 2015 the tenant gave the landlord notice to vacate effective April 30, 2015. The tenant did not vacate the unit and she failed to pay rent in the months of May and June 2015. The landlord has claimed monetary compensation of \$1480.00 and also seeks an order of possession.

The Landlord's evidence included the following:

- a copy of a residential tenancy agreement, signed by the tenant and the landlord, verifying that the tenant paid the landlord a security deposit of \$365.00;
- a copy of a Notice to End Tenancy for Cause, issued on February 27, 2015;
- a copy of the tenant's notice to vacate;
- testimony regarding the unpaid rent for May and June 2015; and
- a copy of the Landlord's Application for Dispute Resolution, filed June 10, 2015.

Analysis

I accept the evidence of the landlord that the tenant did not vacate the unit and did not pay rent for May or June 2015. I find that the tenancy ended on April 30, 2015, and the tenant has been overholding since that date. I grant the landlord an order of possession effective two days after service, and a monetary order for \$1480.00 in lost revenue. The landlord is also entitled to recovery of the \$50.00 filing fee for the cost of their application.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

The landlord is entitled to \$1530.00. I order that the landlord retain the security deposit of \$365.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1165.00. This order may be filed in the Small Claims 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 29, 2015

Residential Tenancy Branch

