



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, LAT, OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondents 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.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 Notice to End Tenancy was personally served on the Tenant on May 15, 2015. I find a second 10 day Notice to End Tenancy was personally served on the Tenants on June 8, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the landlord was personally served on the tenants on June 3, 2015. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated May 15, 2015 and June 8, 2015?
- b. Whether the tenants are entitled to an order authorizing the tenant to change the locks?
- 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 one year fixed term written tenancy agreement that provided that the tenancy would start on January 1, 2015 and end on December 31, 2015. The rent is \$995 per month payable on the first day of each month. The tenants paid a security deposit of \$497.50 on December 4, 2014. The tenant(s) failed to pay the rent for the months of April (\$995 is owed), May (\$995 is owed), June (\$995 is owed) and July (\$321 is owed for the period July 1, 2015 and July 10, 2015) and the sum of \$3306 remains owing. The tenant(s) have remained in the rental unit.

Tenants' Application:

The tenants failed to attend the hearing. There is no basis for cancelling the Notice to End Tenancy. As a result I ordered that the application of the tenants be dismissed without liberty to re-apply.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenants' 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 month(s) of April (\$995 is owed), May (\$995 is owed), June (\$995 is owed) and July (\$321 is owed for the period

July 1, 2015 and July 10, 2015) and the sum of \$3306 remains owing. **I granted the landlord a monetary order in the sum of \$3306 plus the sum of \$50 in respect of the filing fee for a total of \$3356.**

Security Deposit:

I determined the security deposit plus interest totals the sum of \$497.50. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$2858.50.

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: July 08, 2015

Residential Tenancy Branch

