



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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

Introduction

A hearing was conducted by conference call in the presence of both parties. 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 one month Notice to End Tenancy was personally served on the Tenant on May 25, 2015. I find that the 10 day Notice to End Tenancy was personally served on the tenants on June 9, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by each party was sufficiently served on the other. 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 one month Notice to End Tenancy dated May 25, 2015?
- b. Whether the tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated June 9, 2015?
- c. Whether the tenants are entitled to recover the cost of the filing fee?
- d. Whether the landlord is entitled to an Order for Possession?
- e. Whether the landlord is entitled to A Monetary Order and if so how much?
- f. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?

- g. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a tenancy agreement that provided that the tenancy would start on December 1, 2014. The rent is \$950 per month payable on the first day of each month. The tenants paid a security deposit of \$475 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of June and July and the sum of \$1900 remains owing. The tenant(s) continue to reside in the rental unit.

Tenants' Application:

The tenants stated they have no desire to continue the tenancy and they have found alternative accommodation to move to on August 15, 2015.

I determined there is no basis not cancel the two Notices and accordingly I order that the application of the tenants be dismissed without liberty to re-apply.

Landlord's Application - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenants' application has been dismissed. presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date.

Accordingly, I granted the landlord an Order for Possession on 2 days notice.

The tenant stated they wished to remain in the rental unit until August 15, 2015. The landlord was only prepared to agree to the proposal if the tenant paid the arrears immediately. The tenant was reluctant to do so saying she would pay when they vacated. I determined it was appropriate to grant the standard order. If the parties can reach an alternative agreement the landlord does not have to exercise her rights under the Order for Possession immediately.

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 June and July and the sum of \$1900 remains outstanding. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. **I granted the landlord a monetary order in the sum of \$1900 plus the sum of \$50 in respect of the filing fee for a total of \$1950.**

Security Deposit:

I determined the security deposit plus interest totals the sum of \$475. I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1475.

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 23, 2015

Residential Tenancy Branch

