



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 a representative of the landlord and 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.

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 day Notice to End Tenancy was sufficiently served on the Tenant by posting on May 28, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing by registered mail to where the tenant resides on July 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 tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated May 28, 2015?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to retain all or a portion of the security deposit/pet deposit?

- e. 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 or about November 1, 2013. The rent is \$1150 per month payable on the first day of each month. The tenant did not pay a security deposit. The tenant(s) failed to pay the rent for the months of April 2015 (\$400 is owed), May 2015 (\$400 is owed), June 2015 (\$1150 is owed) and July 2015 (\$1150 is owed). The tenant has made a \$750 payment since the Application was filed. The amount outstanding is \$2350. The tenant(s) have remained in the rental unit.

Tenant's Application:

The tenant failed to attend the hearing. I determined there was no basis to cancel the Notice to End Tenancy. As a result I ordered the application of the tenant 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 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 month(s) of May, June and July and the sum of \$2350 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 \$2350 plus the sum of \$50 in respect of the filing fee for a total of \$2400.**

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 24, 2015

Residential Tenancy Branch

