



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence 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.

I find that the one month Notice to End Tenancy was personally served on the Tenant on June 11, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served by mailing, by registered mail to where the tenants reside and the address of service contained in their Application on August 5, 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 one month Notice to End Tenancy dated June 9, 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 written tenancy agreement that provided that the tenancy would start on November 1, 2013 and continue on a month to month basis. The rent is \$800 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$400 and a pet damage deposit of \$100 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of July and August and the sum of \$1600 remains owing. The tenant(s) have remained in the rental unit.

Tenant's Application:

The tenants failed to attend the hearing. I find that the landlord has established sufficient grounds to end the tenancy. The tenants have paid the rent almost on a monthly basis for the last 1 ½ year. As a result I dismissed the tenant's application to cancel the one month Notice to End Tenancy.

Landlord's Application - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenants' application to cancel the one month 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 July and August and the sum of \$1600 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 \$1600 plus the sum of \$50 in respect of the filing fee for a total of \$1650.**

Security Deposit:

I determined the security deposit and pet damage deposit totals the sum of \$500. **I ordered the landlord may retain this sum thus reducing the amount outstanding under this monetary order to the sum of \$1150.**

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: August 21, 2015

Residential Tenancy Branch

