



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: CNR, ERP, MNR, MNSD, OPR, FF

Introduction:

This was an application by the tenants for an Order to cancel a Notice to End a Tenancy for non-payment of rent dated Jul 2, 2015 with an effective date of July 12, 2015. In addition this was an application by the landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord and his agent attended the application.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Background and Evidence:

The landlord's agent ZM testified that the tenancy began on March 1, 2015 with rent in the amount of \$ 775.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 387.50 on February 28, 2015. ZM testified that he served the Notice to End the tenancy on July 2, 2015 by handing it to the tenants and the dispute resolution package by handing it to the tenants on July 20, 2015. ZM testified that the arrears from July through August 2015 were \$ 1,550.00. The landlord is also making a claim for loss of revenue for the month of September amounting to \$ 775.00.

The tenants brought an application to cancel the notice and requested an order to make repairs however they did not attend the hearing which concluded after Forty minutes.

Analysis:

Based on the evidence of the landlord I find that the tenants were personally served with a Notice to End Tenancy for non-payment of rent on July 2, 2015. I find that the application for Dispute Resolution was served on July 20, 2015.

The tenants have not paid all the outstanding rent on time and have applied for arbitration to dispute the Notice but failed to attend the hearing. Accordingly I have dismissed their applications.

Based on the above facts I find that the landlord is entitled to an order for possession effective two days after service on the tenants. I find that the landlord has established a claim for unpaid rent totalling \$ 1,550.00 and because it is still early in the month of September a loss of revenue for only one half of September amounting to \$ 387.50 and the filing fee of \$ 50.00 for a total of \$ 1,987.50. Should the landlord be unable to re-rent the unit during September he is at liberty to reapply for any further loss of revenue.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain the deposit and interest of \$ 387.50 and I grant the landlord an order under section 67 for the balance due of **\$ 1,600.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenants as soon as possible. I have dismissed all other applications by the landlord with leave to reapply. I have dismissed all other applications by the tenants.

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: September 08, 2015

Residential Tenancy Branch

