



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes                      CNR, FF, OPR, OPC, OPB, MNR, MDSD, MND & FF

### Introduction

A hearing was conducted by conference call in the presence of the landlords and in the absence of the tenants 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 10 day Notice to End Tenancy was personally served on the Tenants on July 13, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenants on August 28, 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?
- b. Whether the tenants are entitled to recover the cost of the filing fee?
- 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 written tenancy agreement that provided that the tenancy would start on April 1, 2015. The rent was \$2300 per month payable on the first day of each month. The tenants were supposed to pay a security deposit. However, the cheque for the security deposit was dishonored by the bank and tenants failed pay the security deposit.. The tenant(s) failed to pay the rent for the months of May, June, July and August and the sum of \$8700 remains owing

(after crediting the tenant with a \$500 cash payment that was made).. The tenant(s) have remained in the rental unit.

Tenant's Application:

The tenants failed to attend the hearing. As a result I ordered that the tenants' application to cancel the 10 day Notice to End Tenancy be dismissed without leave 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 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:

With respect to each of the landlord's claims I find as follows:

- a. I determined the tenants failed to pay the rent for May, June, July and August and the sum of \$8700 remains owing.
- b. I determined the tenants failed to pay the BC Hydro bill and the sum of \$1408.81 remains owing for the period April 1, 2015 to August 14, 2015.
- c. I determined the tenants failed to pay the Fortis gas bill and the sum of \$348.92 remains owing for the period April 1, 2015 to August 13, 2015.
- d. I determined the tenants failed to pay the water charge of the City of Surrey for May 2015 and the sum of \$46.87 remains owing.
- e. The determined the landlord is entitled to recover the sum of \$210 for the cost of cutting the grass. The tenancy agreement provided the tenants were responsible to cut the grass. The tenants failed to do so and the landlord received a letter from the Bylaw Enforcement Department of the City of Surrey demanding the grass be cut.
- f. I dismissed the claim for the security deposit. The landlord does not have a right to make a separate claim for the security deposit as it is the tenant's money.

However, as the tenants cheque for the security deposit was dishonored the security deposit is not available to be applied against this monetary order.

**In summary I ordered that tenants pay to the landlords the sum of \$10,714.60 plus the sum of \$100 in respect of the filing fee for a total of \$10,814.60.**

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: September 25, 2015

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Residential Tenancy Branch

