



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Homelife Glenayre Realty Chilliwack Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPB OPR FF CNC

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order allowing retention of the security and pet damage deposits in partial satisfaction of the claim. The hearing was conducted by conference call. The landlord called in and participated in the hearing. The tenants did not appear although they were served with the Application for Dispute Resolution and Notice of Hearing by registered mail sent on September 1, 2015.

The tenants had also filed an Application for Dispute Resolution requesting an order cancelling the landlord's Notice to End Tenancy. This matter was scheduled to be heard at the same time as the landlord's application. However, as the tenants did not appear to present their application, it is hereby dismissed.

Issues

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on May 1, 2015. The rent was \$1350.00 due in advance on the first day of each month. The tenants paid a security deposit of \$675.00 and a pet damage deposit of \$675.00 at the start of the tenancy. On June 9, 2015 the landlord served the tenants with a 10 Day Notice to End Tenancy for non-payment of rent. The landlord subsequently served the tenants with a 1 Month Notice to End Tenancy dated July 31, 2015. The tenants disputed the second Notice. Subsequently the tenants vacated the rental unit on September 19, 2015. The landlord testified that the tenants never paid any rent for September.

Analysis

The degree of analysis required in this case is greatly reduced by the fact that the tenants have vacated the rental unit and that the tenants did not appear for the hearing. At the end of the day though, the tenants remained in the rental unit until September 19th but paid no rent for that month. As a result, the rent for September is still owing to the landlord. The amount of the rent owed is \$1,350.00.

At the hearing, the landlord requested an order of possession effective September 20, 2015 even though the tenants had already vacated. I am satisfied that the landlord is entitled to the order of possession based on the facts before me.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective September 20, 2015. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order and Security Deposit - I find that the landlord has established a total monetary claim of \$1350.00 in outstanding rent for September. The landlord is entitled to recover the \$50.00 filing fee for this application for a total award of \$1400.00. I order that the landlord retain the security and pet damage deposits and interest (\$0.00) of \$1350.00 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$50.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

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: October 13, 2015

Residential Tenancy Branch

