



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNR, MNSD, OPR

Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and requesting a Monetary Order for outstanding rent and late fees. The applicant is also requesting an Order allowing her to keep the full security deposit towards the claim.

The applicant testified that the respondent(s) were served with notice of the hearing by personal service on September 23, 2015 however, the respondent(s) did not join the conference call that was set up for the hearing.

It is my finding that the respondent(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issues are whether or not the applicant has established the right to an Order of Possession, and whether or not the applicant has established a monetary claim against the respondent's, and if so in what amount.

Background and Evidence

The applicant testified that this tenancy began on May 1, 2015 with a monthly rent of \$675.00 due on the first of each month.

The applicant further testified that a security deposit of \$337.50 was paid just prior to the beginning of the tenancy.

The applicant testified that the tenants had fallen behind on the rent and therefore on July 19, 2015 she personally served the tenants with a 10 day Notice to End Tenancy for nonpayment of rent.

The applicant further testified that the tenants have failed to comply with a 10 day Notice to End Tenancy, and have failed to pay any further rent, and therefore the applicant is requesting an Order of Possession for as soon as possible.

The applicant is also requesting a Monetary Order for outstanding rent and late fees as follows:

June 2015 rent outstanding	\$275.00
June 2015 late fee	\$25.00
July 2015 rent outstanding	\$675.00
July 2015 late fee	\$25.00
August 2015 rent outstanding	\$675.00
August 2015 late fee	\$25.00
September 2015 rent outstanding	\$675.00
September 2015 late fee	\$25.00
October 2015 rent outstanding	\$675.00
October 2015 late fee	\$25.00
Total	\$3100.00

Applicant is also requesting recovery of the \$50.00 filing fee.

Analysis

It is my finding that the applicant has shown that the tenant was served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice and I therefore allow the request for an Order of Possession.

It is also my finding that the landlord has shown that there is a total of \$3100.00 in outstanding rent and late fees and therefore, even though the applicant originally only requested \$2400.00, I allow the full amount claimed, as it is my decision that the respondents should reasonably have anticipated that another month's rent and late fees would be due by the date of the hearing.

I also allow the landlord's request for recovery of the \$50.00 filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants.

I have allowed the landlords full claim of \$3150.00 and I therefore Order pursuant to Section 72 of the Residential Tenancy Act that the landlord may retain the full security deposit of \$337.50 and pursuant to Section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$2762.50.

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 21, 2015

Residential Tenancy Branch

