



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MNSD, FF

Introduction

This hearing dealt with applications by the tenant and by the landlord. The tenant applied to cancel a 10 day Notice to End Tenancy for unpaid rent. The landlord applied for an order of possession and a monetary order and an order. The hearing was conducted by conference call. The landlord's wife, acting as his representative called in and participated in the hearing. The tenant did not appear although this was a hearing with respect to his application and although he was served with the landlord's Application for Dispute Resolution and Notice of Hearing by registered mail sent on September 1, 2015. In the absence of an appearance by the tenant his application is dismissed without leave to reapply.

Issues

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Is the landlord entitled to an order allowing retention of the security deposit?

Background and Evidence

This tenancy began on July 1, 2015. The rent is \$1,600.00 due in advance on the first day of each month. The tenant's cheques in payment of an \$800.00 security deposit and in payment of the first month's rent were each dishonoured and returned to the landlord marked "NSF". On August 6, 2015 the landlord personally served the tenant with a Notice to End Tenancy for non-payment of rent. The landlord corrected a misspelling of the tenant's name on the Notice to End Tenancy and re-served the Notice on August 26, 2015. The tenant has not paid rent for July, August, September, or October. The landlord's representative testified at the hearing that the tenant moved out of the rental unit yesterday, October 20, 2015 without proving any forwarding address and without returning all the keys to the rental unit. The landlord is concerned that the tenant or other occupants may return to the rental unit and the landlord's representative requested that an immediate order for possession be granted.

Analysis

The tenant's application to cancel the Notice to End Tenancy has been dismissed without leave to reapply. In his application the tenant acknowledged that rent has not been paid.

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 two days after service on the tenant. 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 \$6,400.00 for the outstanding rent for July, August, September and October. The landlord is entitled to recover the \$100.00 filing fee for this application for a total award of \$6,500.00 and I grant the landlord an order under section 67 in the said amount. This order may be filed in the Small Claims Court and enforced as an order of that Court. The landlord has leave to reapply for a further monetary award if there are claims for damages, cleaning or repairs to the rental unit,

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

