



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes** OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. An Order of Possession pursuant to section 55.
2. A monetary order for unpaid rent pursuant to section 67.
3. A monetary order move in fee pursuant to Section 67.
4. A monetary order for electrical and plumbing damage.
5. An Order to be allowed to keep all or part of the security deposit pursuant to section 38.
6. To recover the filing fee from the tenant for the cost of this application pursuant to section 72.

The tenant had also filed an application for dispute resolution requesting certain orders and that application was supposed to be heard at today's hearing together with the landlord's but the tenant failed to call into the hearing. The tenant was also served with a copy of the landlord's Application for Dispute Resolution and Notice of Hearing sent by registered mail on October 8, 2015. A copy of the registered mail receipt was provided by the landlord and I am satisfied that the tenant was properly served with the landlord's hearing package.

### **Issues to be Decided**

Is the landlord entitled to the requested orders?

### **Background and Evidence**

This tenancy began on July 1, 2015. The rent is \$1100.00 due in advance on the first day of each month. The tenant paid a security deposit of \$550.00 at the start of the tenancy. The tenant was supposed to have paid a \$100 move-in fee at the start of the tenancy but failed to do so. This move-in fee is a requirement of the Strata Council for the building. On October 1, 2015 the tenant failed to pay the rent. On October 5<sup>th</sup> the landlord served the tenant with a 10 day Notice to End Tenancy. The landlord testified that the tenant did not pay the rent after receiving the Notice and did not file an application to dispute the Notice.

The landlord also testified that the tenant made electrical and plumbing alterations in the unit that later had to be repaired. The landlord submitted copies of the invoices he received in respect of these matters. The landlord has already paid the invoices but wants to recover these amounts from the tenant.

The landlord testified that he has not been paid any rent for October or November.

## **Analysis**

### **LANDLORD'S APPLICATION**

#### **Order of Possession**

The tenant failed to pay the October rent within five days of receiving the 10 Day Notice to End Tenancy. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of receiving the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenant's failure to take either of these actions within five days led to the end of his tenancy on the effective date of the notice. In this case, this required the tenant to vacate the premises by October 15, 2015. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession.

#### **Monetary Order for Rental Arrears**

I find that the landlord is entitled to receive an order for unpaid rent for October and November in the amount of \$2200.00. I am issuing the enclosed monetary order in respect of this amount.

#### **Monetary Order for Move-in fee**

I find that the landlord is entitled to receive an order for the unpaid move-in fee in the amount of \$100.00. I am issuing the enclosed monetary order in respect of this amount.

#### **Monetary Order for Electrical and Plumbing**

I find that the landlord is entitled to receive an order for the electrical and plumbing costs he incurred as a result of the tenant's actions. I am issuing the enclosed monetary order in respect of this amount.

#### **Security Deposit**

The landlord testified that he continues to hold a security deposit of \$550.00. I will allow the landlord to retain the security deposit *plus interest* in partial satisfaction of the monetary award.

#### **Filing Fee**

As the landlord was successful in this application, I find that the landlord is entitled to recover the \$50.00 filing fee paid for this application.

### **TENANT'S APPLICATION**

I hereby dismiss the tenant's application as the tenant failed to call into the conference call hearing.

### **Conclusion**

I grant the landlords an Order of Possession to be effective two days after notice is served to the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

I issue a monetary Order in favour of the landlords as follows:

Rental Arrears for October	\$1100.00
Rental Arrears for November	1100.00
Move-in fee	100.00
Electrical repair	205.80
Plumbing repair	207.90
Less Security Deposit and Interest (\$550.00 plus \$0 interest)	-550.00
Recovery of Filing Fee for this application	50.00
<b>Total Monetary Award</b>	<b>\$2213.70</b>

The landlord is provided with formal Orders in the above terms. Should the tenant(s) fail to comply with these Orders, these Orders may be filed and enforced as Orders of the Provincial Court of British Columbia.

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: November 02, 2015

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Residential Tenancy Branch

