



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            OPR, MNR, MNSD, FF, CNR, MT

### Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant also filed an application seeking to have the notice to end tenancy set aside and an order to have more time to make an application to cancel a notice to end tenancy. The landlord participated in the conference call hearing but the tenant(s) did not. Both parties filed an application and I am satisfied each was aware of the date and time of this hearing. The landlord satisfied me that the tenant was duly served with his evidence. The hearing proceeded and completed in the absence of the tenant. The landlord gave affirmed evidence.

### Preliminary Issue

The tenant chose not to participate in today's hearing; accordingly I dismiss the tenants' application in its entirety.

### Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

### Background and Evidence

The landlord gave the following testimony:

The tenancy began on or about August 1, 2014. Rent in the amount of \$700.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$350.00. The tenant failed to pay rent in the month(s) of May - August and August 28, 2015 the landlord served the tenant with a notice to

end tenancy. The tenant further failed to pay rent in the month(s) of September, October and November. The landlord advised that as of today's date the tenant owes him \$4900.00 in rent.

### Analysis

I accept the landlord's testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although the tenant did apply for dispute resolution to dispute the notice, the tenant did not provide any evidence to have the notice set aside. Based on the above facts I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that the landlord has established a claim for \$4900.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$350.00 security deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$4600.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession and a monetary order for \$4600.00. The landlord may retain the security deposit.

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

