



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: CNR, MNR, MNSD, OPR, FF

Introduction:

This was an application by the tenants to cancel a Notice to End the Tenancy for non-payment of rent dated December 8, 2015 and an application by a landlord for an Order for Possession, a Monetary Order and an Order to retain the security deposit in partial satisfaction of the monetary claim. Only the landlord and his agent DM attended the conference call hearing.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Service of Documents:

The landlord's agent DM testified that he served the Notice to End the tenancy on December 8, 2015 by handing it to the tenants on that day and the dispute resolution package by sending them by registered mail on December 31, 2015. Based on the evidence of the DM, I find that the tenants were served with the Notice to End Tenancy for non-payment of rent on December 8, 2015. I find that the application for Dispute Resolution was deemed to have been personally served on both tenants on January 6, 2016 by sending it them by registered mail.

Background and Evidence:

The landlord's agent DM testified that the tenancy began on October 15, 2015 with rent in the amount of \$ 1,500.00 due in advance on the fifteenth day of each month. The tenants paid a security deposit of \$ 150.00 on October 21, 2105. DM testified that the arrears from October 2015 through January 15, 2015 were \$ 5,250.00 which was the total claim. The landlord's agent requested an Order for Possession as well.

Analysis:

The tenants have not paid all the outstanding rent on time and applied for arbitration to dispute the Notice but failed to attend their hearing. I have dismissed the tenants' applications. I find that the landlord is entitled to an order for possession effective two days after service on the tenants. I find that the landlord has established a claim for unpaid rent totalling \$ 5,250.00 and the filing fee of \$ 100.00. I permit the landlord to retain the security deposit of \$ 150.00 and grant a monetary order for the balance.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain the deposit and interest of \$ 150.00 and I grant the landlord an order under section 67 for the balance due of **\$ 5,200.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenants as soon as possible. I have dismissed the tenants' applications.

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: February 02, 2016

Residential Tenancy Branch

