



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, 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, requesting a Monetary Order in the amount of \$3650.00, and requesting an Order to keep the full security deposit of \$600.00 towards the claim.

The applicant testified, and has provided a registered mail receipt that shows, that the respondent was served with notice of the hearing by registered mail that was mailed on December 30, 2015; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing, and I therefore conducted the hearing in the respondent's absence.

The applicant's testimony was taken under affirmation.

Issue(s) to be Decided

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

Background and Evidence

The applicant testified that the tenant paid a security deposit of \$600.00 on November 20, 2013 and the tenancy began on December 1, 2013 with a monthly rent of \$1200.00, due on the first of each month.

The applicant further testified that the tenant failed to pay the December 2015 rent and therefore on December 3, 2015 the tenant was served with a 10 day Notice to End Tenancy for nonpayment of rent.

The applicant further testified that, since receiving the Notice to End Tenancy, the respondent has avoided all contact with the landlord, has failed to pay any further rent, and has failed to vacate the rental unit.

The applicant is therefore requesting an Order of Possession for as soon as possible and a Monetary Order as follows:

December 2015 rent outstanding	\$1200.00
January 2016 rent outstanding	\$1200.00
February 2016 rent outstanding	\$1200.00
Filing fee	\$50.00
Total	\$3650.00

The applicant further requests an Order allowing him to keep the full security deposit of \$600.00 towards this claim and requests that a Monetary Order be issued for the remaining \$3050.00.

Analysis

The landlord is provided a copy of the tenancy agreement that clearly shows that the monthly rent for this unit is \$1200.00, and that a security deposit of \$600.00 has been collected.

I accept the landlord's testimony that the tenant has failed to pay rent for the months of December 2015, January 2016, and February 2016 for a total of \$3600.00.

The landlord has also provided a copy of the Notice to End Tenancy that was served on the tenant, and it is my finding that it is a valid 10 day Notice to End Tenancy.

Therefore, pursuant to section 55 of the Residential Tenancy Act, I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

I also allow the landlords full claim of \$3650.00 and I therefore Order that the landlord may retain the full security deposit of \$600.00 and, pursuant to section 67 of the Residential Tenancy Act; I have issued a Monetary Order for the remaining \$3050.00.

Conclusion

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

I have allowed the landlord to keep the full security deposit and have issued a Monetary Order in the amount of \$3050.00.

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 11, 2016

Residential Tenancy Branch

