



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 0896572 BC Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MT, CNR

Introduction

This hearing dealt with two related applications. One was the landlord's application for an order of possession based upon a 10 Day Notice to End Tenancy for Non-Payment of Rent and a monetary order. The other was the tenant's application for orders setting aside the same notice and granting him more time in which to make his application.

Although served with the landlord's Application for Dispute Resolution and Notice of Hearing by personal service on February 25, 2016, and despite having filed his own Application for Dispute Resolution for hearing today the tenant did not appear. The landlord did appear and gave affirmed testimony. In the absence of an appearance by the tenant by 9:16 am, his application is dismissed without leave to re-apply.

Issue(s) to be Decided

- Is the landlord entitled to an order of possession and, if so, on what terms?
- Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

This month-to-month tenancy commenced December 17, 2015. The monthly rent of \$900.00 is due on the first day of the month. The tenant paid a security deposit of \$450.00.

On February 15, 2016 the landlord issued and served a 10 Day Notice to End Tenancy for Non-Payment of Rent claiming arrears of \$260.00. The tenant served and filed an application disputing this notice. He has not paid the \$260.00.

Analysis

As set out at the beginning of this decision, the tenant's application for an order setting aside the notice to end tenancy is dismissed. Section 55(1) of the *Residential Tenancy Act* provides that if a tenant makes an application to set aside a landlord's notice to end a tenancy and the application is dismissed or the notice to end tenancy is upheld, the

arbitrator must grant an order of possession of the rental unit to the landlord. Therefore, I grant the landlord an order of possession effective two days after service on the tenant

On this application the landlord only claimed arrears of rent for February in the amount of \$260.00. I find that the landlord has established this monetary and I order, pursuant to section 72 that the landlord may retain this amount from the security deposit in full satisfaction of this claim.

Conclusion

- a. An order of possession effective two days after service has been granted to the landlord.
- b. A monetary order in the amount of \$260.00 has been granted to the landlord.
- c. An order allowing the landlord to retain the sum of \$260.00 in full satisfaction of the claim has been made.

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: April 13, 2016

Residential Tenancy Branch