



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

Introduction

This is an application brought by the Landlords, requesting an order of possession based on the Notice to End Tenancy for nonpayment of rent, requesting a monetary order for \$7631.00, and requesting recovery of the filing fee. The applicants are also requesting an order to retain the full security deposit towards the claim.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by personal service on January 30, 2017, however the respondent(s) 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(s) have/has been properly served with notice of the hearing. I therefore proceeded with the hearing in the respondents absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issues are, whether or not the applicants have the right to an order of possession, and whether the applicants have established a monetary claim against the respondents, and if so in what amount.

Background and Evidence

The applicant testified that this tenancy began on March 7, 2016 with a monthly rent of \$2400.00, due on the first of each month.

The applicant further testified that the tenants paid a \$500.00 security deposit at the beginning of the tenancy.

The applicant further testified that the tenants were well behind on the rent, and therefore, on January 7, 2017, the tenants were personally served a 10 day Notice to End Tenancy for nonpayment of rent.

The applicant further testified that the tenants have failed to comply with the notice,, and that, as of today's date, there is a total of \$7200.00 and rent outstanding.

The applicant further testified that there is also a total of \$431.00 it outstanding utilities.

The applicant is therefore requesting an order of possession for a soon as possible, and a monetary order for the outstanding rent and utilities.

Analysis

I have reviewed the evidence and testimony provided by the applicant, and it is my finding that the applicant has shown that there is a total of \$7200.00 for rent outstanding, and a total of \$431.00 and utilities outstanding, for a total of \$7631.00. I therefore allow the full monetary claim requested by the applicant, including the \$100.00 filing fee.

It is also my findings of the applicants have served a valid 10 day Notice to End Tenancy on the tenants, and therefore since the respondents have failed to comply with that notice, I have issued an order of possession to the landlords.

Conclusion

Pursuant to section 67 of the Residential Tenancy Act I have allowed a monetary claim of \$7731.00, and I therefore Order that the landlords may retain the full security deposit of \$500.00, and I have issued a monetary order in the amount of \$7231.00.

Pursuant to section's 46 and 55 of the Residential Tenancy Act, I have issued an order of possession that is enforceable 2 days after service on the respondents.

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 23, 2017

Residential Tenancy Branch