



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDCL-S, MNRL-S, FFL

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 for outstanding rent totaling \$3400.00, requesting recovery of the \$100.00 filing fee, and requesting an order to retain the full \$400.00 security deposit towards the claim.

The applicant testified that the respondent was served with notice of the hearing by personal service on November 2, 2017; however the respondent did not join the conference call that was set up for the hearing.

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.

All parties were affirmed.

Issue(s) to be Decided

The issues are whether or not the landlord has established the right to an Order of Possession, and whether or not the landlord has established monetary claim against the respondent.

Background and Evidence

The applicant testified that this tenancy began on October 1, 2017 and that a security deposit of \$400.00 was collected prior to the start of the tenancy.

The applicant further testified that the monthly rent was established at \$850.00.

The applicant further testified that the tenant has not paid any rent for the full term of the tenancy and, as of today's date, the following rents are outstanding.

October 2017 rent outstanding	\$850.00
November 2017 rent outstanding	\$850.00
December 2017 rent outstanding	\$850.00
January 2018 rent outstanding	\$850.00
Total	\$3400.00

The applicant therefore stated that he is requesting an Order of Possession for as soon as possible, and a monetary order for the outstanding rent plus his \$100.00 filing fee, for a total order of \$3500.00.

The applicant further stated that he is requesting an order to retain the full security deposit of \$400.00 towards this claim.

Analysis

It is my finding that the tenant has been properly served with a 10 day Notice to End Tenancy and has failed to comply with that notice within the time frame required and therefore pursuant to section 46 of the Residential Tenancy Act, I allow the landlords request for an Order of Possession.

It is also my finding that the landlord has shown that the tenant has failed to pay rent for the months of October 2017 through January 2018 for a total of \$3400.00 and therefore pursuant to section 67 of the Residential Tenancy Act, I allow the landlords request for a monetary order for that outstanding rent.

It is also my decision, pursuant to section 72 of the Residential Tenancy Act that the tenant must bear the cost of the \$100.00 filing fee.

Therefore the total claim that I have allowed is \$3500.00.

Conclusion

Pursuant to section 46 of the Residential Tenancy Act, I have issued an Order of Possession that is enforceable two days after service on the respondent.

I have allowed a monetary claim of \$3500.00 and I therefore order that the landlord may retain the full security deposit of \$400.00, and pursuant to section 67 of the Residential Tenancy Act I have issued a monetary order in the amount of \$3100.00.

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: January 15, 2018

Residential Tenancy Branch