



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## DECISION

Dispute Codes FF, MNR, MNSD, OPR

### Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed August 18, 2009, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an Order of Possession based on the Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1908.00, a request for an order for the respondent to bear the \$50.00 cost of the filing fee paid for this hearing, and a request for an order to retain the full security deposit plus interest towards this claim.

### Background and Evidence

The applicant testified that:

- The tenant has not paid the full rent for July 2009 and \$308.00 is still outstanding.
- The tenant is not paid any rent for August 2009 and therefore the full \$900.00 is still outstanding.
- The tenant still owes outstanding gas utilities of \$90.00 and Hydro utilities of \$50.00.



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The applicant stated that they no longer want to pursue the full monetary claim however they would like to keep the full security deposit plus interest towards this claim and they abandon the remainder.

The applicant also stated that they would like an Order of Possession for the rental unit.

## Analysis

The tenant(s) have failed to comply with a Notice to End Tenancy and rent in the amount of \$1208.00 is still outstanding to the end of August 2009 and the tenants owe utilities totaling \$140.00.

Therefore, pursuant to Section 55, I have issued an order of possession for two days after service on the respondent's.

The landlord(s) is given a formal Order of Possession.

I also Order, pursuant to Section 38, that the landlord(s) may retain the full security deposit plus interest (\$695.99) towards the outstanding rent and utilities.

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: October 06, 2009.

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Dispute Resolution Officer