



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR, CNC, ERP, RP, LAT, RR

Introduction

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

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

The landlord testified that the tenants were served with notice of the hearing by registered mail that was mailed on September 19, 2012, however the tenants did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were dealt with in the same hearing slot.

The tenant did not appear at the time and place appointed for this hearing and therefore the tenants application is dismissed without leave to reapply.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a monetary order for outstanding rent, and a request for recovery of the filing fee.

Background and Evidence

The landlord testified that:

- This tenancy began on March 1, 2012 with a monthly rent of \$2300.00 due on the first of each month.
- The tenant also paid a security deposit of \$1150.00 on February 27, 2012.
- The tenant failed to pay the full August 2012 rent and, at this time, there is still \$900.00 outstanding.
- The tenant also failed to pay any of the rent for the month of September 2012 and therefore, on September 7, 2012, a 10 day Notice to End Tenancy was served on the tenant.
- The tenant failed to comply with that notice and has failed to pay any further rent.

The applicant is therefore requesting an Order of Possession for as soon as possible, an order for the outstanding rent totaling \$3200.00, and an order to retain the full security deposit towards the claim. They also request recovery of their \$50.00 filing fee.

Analysis

It is my finding that the landlord has shown that there is a total of \$3200.00 rent outstanding to the end of September 2012 and therefore I allow the landlords request for an order for that outstanding rent.

It is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy for nonpayment of rent and since the 10 day period is well past, I also allow the request for an Order of Possession.

I also order recovery of the \$50.00 filing fee.

Conclusion

Tenant's application

As stated above the tenant's application is dismissed in full without leave to reapply.

Landlord's application

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

I have allowed the landlords full monetary claim of \$3250.00 and I therefore order that the landlord may retain the full security deposit of \$1150.00 and have issued a monetary order in the amount of \$2100.00.

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: October 02, 2012.

Residential Tenancy Branch