



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, OPR, OPC, MNR, MNSD, FF

Introduction

This was a hearing with respect to applications by the landlord and by the tenants. The tenants applied to cancel a one month Notice to End Tenancy for cause and they filed a separate application to cancel a 10 day Notice to End Tenancy for unpaid rent. The landlord applied for an order for possession and a monetary order. The hearing was conducted by conference call. The landlord called into the hearing. The tenants did not attend although they were served with the landlord's application and this was a hearing of the tenants' applications.

Issue(s) to be Decided

Is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary award and if so, in what amount

Background and Evidence

The rental unit is a house in Vancouver. The tenancy began on June 16, 2012. Monthly rent is \$1,750.00, payable on the 16th day of each month. The tenant paid a \$900.00 security deposit on June 4, 2012. She also paid a \$500.00 hydro deposit that has since been applied to an unpaid hydro bill and to outstanding rental arrears. The tenant paid \$600.00 from a government ministry payment for April rent, leaving a balance of \$1,150.00 outstanding. The landlord applied the tenant's \$500.00 hydro deposit to satisfy an unpaid hydro bill in the amount of \$415.00; the remaining \$85.00 from the deposit was applied to rent, leaving a balance of \$1,065.00 due for April. On April 16, 2013 the landlord served the tenant with a one month Notice to End Tenancy for cause. The cause alleged was repeated late payment of rent. The Notice required the tenant to move out of the rental unit by May 16, 2013. The tenant applied to dispute the Notice to End Tenancy on April 25, 2013. On May 7, 2013 the landlord served the tenant with a 10 day Notice to End Tenancy for unpaid rent for April in the amount of

\$1,065.00. The tenant filed an application to dispute the Notice to End Tenancy on May 8, 2013. The tenant has not paid rent for May. She did not attend this hearing. In her application filed on May 8th she said she intends to move out on June 1, 2013.

Analysis and conclusion

Because the tenant has not attended the hearing of her applications, both applications to cancel Notices to End Tenancy are dismissed without leave to reapply. I grant the landlord an order for possession effective two days after service on the tenant. This order may be registered in the Supreme Court and enforced as an order of that court. Rent for April has only been partially paid. \$1,065.00 is outstanding. Rent for May was not paid when it became due on May 16, 2013. I find that the landlord is entitled to claim a further half month's rent for May in the amount of \$875.00. The landlord is entitled to recover the \$50.00 filing fee for this application for a total monetary award of \$1,990.00. I order that the landlord retain the \$900.00 security deposit in partial satisfaction of this award and I grant the landlord an order under section 67 for the balance of \$1,090.00. This order may be filed in the Small Claims Court and enforced as an order of that court.

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: May 23, 2013

Residential Tenancy Branch

