Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>   OPR, CNR, MNR, MNSD

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords, however the tenant did not join the conference call that was set up for the hearing and therefore her application was dismissed.

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 $2451.78, and a request to retain the full security deposit of $550.00 towards the claim.

Issue(s) to be Decided

Has the landlord established a monetary claim for $2451.78?

Background and Evidence

The landlord testified that:

- The tenant has failed to pay the following amount of rent:

June 2013 rent outstanding	$150.00
July 2013 rent outstanding	$1100.00
August 2013 rent outstanding	$1100.00

- The tenant was served with a 10 day Notice to End Tenancy by personal service on July 2, 2013 however the tenant has failed to comply with that notice, and he is therefore requesting an Order of Possession for as soon as possible
- He has also had registered mail costs and fax costs to deal with this matter.

The applicant is therefore requesting a Monetary Order as follows:

Total rent outstanding	$2350.00
Registered mail costs	$11.24
Fax costs	$40.54
Filing fee	$50.00
Total	$2451.78

Analysis

It is my finding that the applicant has shown that there is a total of $2350.00 in outstanding rent to the end of August 2013, and therefore I allow that portion of the claim.

I also allow the request for an Order of Possession, as the landlord has served a valid 10 day Notice to End Tenancy and the tenant has failed to comply with that notice.

I deny the request for registered mail costs and fax costs however as these are a cost of the dispute resolution process and I have no authority to award any costs other than the filing fee.

I will allow recovery of the $50.00 filing fee.

Therefore the total amount of the claim that I have allowed is as follows:

Rent outstanding	$2350.00
Filing fee	$50.00
Total	$2400.00

Conclusion

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

I have allowed $2400.00 of the landlords claim and I therefore order that the landlord may retain the full security deposit of $550.00 and have issued a Monetary Order in the amount of $1850.00.

The remainder of the landlords claim is dismissed without leave to reapply.

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

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: August 19, 2013

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Residential Tenancy Branch