



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Westsea Construction Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNR, MNDC, MT, MNR, OPR, MNSD, FF

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were to be heard together; however the tenant did not join the conference call that was set up for the hearing.

The tenant's application was therefore dismissed and I dealt solely with the landlord's application, which is a request for an Order of Possession and a request for a Monetary Order.

Issue(s) to be Decided

Are the landlords entitled to an Order of Possession?

Are the landlords entitled to a Monetary Order and if so in what amount?

Background and Evidence

The landlords testified that:

- This tenancy began on May 1, 2009 and a security deposit of \$291.00 was collected at that time.
- The present rent on this rental unit is \$600.00 per month.
- The tenant failed to pay the April 2014 rent and therefore on April 4, 2014 she was personally served with a 10 day Notice to End Tenancy.
- The tenant failed to comply with that notice and failed to pay any further rent and therefore on April 10, 2014 they applied for dispute resolution.
- The tenancy of this rental unit, however, was frustrated on May 15, 2014 due to a fire in the rental property which made the unit uninhabitable.

- The tenant however has still failed to remove her belongings from the rental unit and therefore they are asking for an Order of Possession for as soon as possible, and a Monetary Order for rent up to the date of the fire.

Analysis

It is my finding that the landlords have shown that the tenant has failed to pay the rent for rental unit and has been served with a proper 10 day Notice to End Tenancy.

I therefore allow the request for an Order of Possession and for rent up to the date that the tenancy was frustrated.

The tenant owes the full rent of \$600.00 for the month of April 2014, and I allow \$300.00 rent for the month of May 2014.

I also order recovery of the \$50.00 filing fee that was paid by the landlords.

Conclusion

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

I have issued an Order of Possession, Pursuant to Section 55 of the Residential Tenancy Act, which is enforceable two days after service on the tenant.

I have allowed the landlords full reduced monetary claim of \$950.00, and I therefore Order that the landlords may retain the full security deposit of \$291.00, and, Pursuant to Section 67 of the Residential Tenancy Act, I have issued a Monetary Order in the amount of \$659.00

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: June 02, 2014

Residential Tenancy Branch