



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

DECISION

Dispute Codes: CNR, CNC, CNL, FF, OPR, OPL, MNR

Introduction

The landlord in this matter seeks an order of possession and a monetary order for unpaid rent, and to recover the filing fee for the cost of this application. The tenant's application seeks to cancel several notices to end tenancy as issued by the landlord.

At the hearing, the landlord attended via teleconference, but there was no appearance by either of the tenants. The landlord gave evidence in relation to his application _____ that he had served the tenants the application for dispute resolution and the notice of hearing via registered mail on September 24, 2008. The service of documents via registered mail is an acceptable form of service, and such documents are deemed served on the 5th day after being mailed. The Canada Post records indicate that the mail was offered for delivery but has not been picked up by the recipient. I find that the tenants have been properly served the required documents in an approved manner.

As the tenants have not appeared to present any evidence in regards to their application _____, I find that they have abandoned their application and I dismiss the application without leave to re-apply.

Issue(s) to be Decided

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

Is the landlord entitled to an order of possession?

Background and Evidence

The landlord gave evidence that the tenant was served, in person, a notice to end tenancy for landlord's use of property, by the landlord's son, on September 5, 2008. The landlord's son further served the tenant with a 10 day notice to end tenancy and a one month notice to end tenancy, in person, on September 11, 2008.

The notices as served allow the tenant to file for dispute resolution within a prescribed period, and the tenants have filed to dispute the notices. In the event that the tenant disputes the notice, the landlord is entitled to request an order of possession in the event that the tenant's application is dismissed. The landlord, at the hearing, has requested an immediate order of possession.

The landlord also gave evidence that the tenant has failed to pay the monthly rent of \$400.00 since July 2006. The landlord has calculated that outstanding rent to be a total of \$11, 200.00.

Analysis

I find that the tenant has not submitted any evidence to support their application to cancel the notices to end tenancy issued by the landlord. The landlord is therefore entitled to an immediate order of possession.

I find that the landlord has substantiated their claim for outstanding rent in the amount of \$11,200.00, as well as their claim to recover the filing fee of \$100.00 for the cost of this application.

Conclusion

I grant the landlord an immediate order of possession. The order must be served upon the tenants. If the tenants fail to comply, the order may be filed with and enforced as an order of the Supreme Court of British Columbia.

I grant the landlord a monetary order in the amount of \$11,300.00, payable forthwith. The order must be served upon the tenants. The order may be filed with and enforced as an order of the Provincial Court of British Columbia.

Dated: October 9, 2008