



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes      FF, MNR, MNSD, OPR

### Introduction

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

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

The respondent was served with notice of the hearing by hand on December 9, 2009, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Decision and reasons

The tenant(s) have failed to comply with a Notice to End Tenancy and rent in the amount of \$1100.00 is still outstanding for the month of December 2009.

The tenants were given a Notice to End Tenancy for failure to pay rent for the month of November 2009. They eventually paid the full November rent however the landlord gave them a receipt "*for use and occupancy only*", as they were well past the five day grace period. The tenants have now failed to pay the full December 2009 rent and therefore the landlord has decided to enforce the Notice to End Tenancy.

It is my decision that the landlord has a right to an Order of Possession and therefore, pursuant to Section 55, I have issued an order of possession for two days after service on the respondent's.



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The landlord(s) is given a formal Order of Possession and the tenant(s) **must** be served with this Order as soon as possible.

I also Order, pursuant to Section 38, that the landlord(s) may retain the full security deposit (\$550.00) towards the outstanding rent.

I further Order pursuant to Section 67 that the respondent(s) pay to the applicant(s) the sum of:

Remaining Outstanding rent	\$550.00
Total	\$600.00

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: December 22, 2009.

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Dispute Resolution Officer