



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

Dispute Codes FF, MND, MNR, MNSD, MNDC, OPR

### Introduction

A substantial amount of documentary evidence, photo 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 July 7, 2010, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issues(s) to be Decided

This is a request for an order possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$5,234.62, and a request that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

### Background and Evidence

The applicant testified that:

- The tenant has outstanding rent totalling \$2875.00 to the end of August 2010.
- The tenant also has outstanding utility bills totalling \$2359.62.
- The tenant was served with a 10 day Notice to End Tenancy on June 14, 2009 however the tenant has not complied with that notice or paid the outstanding rent or utilities.



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The applicant is therefore requesting an Order of Possession for as soon as possible, an order for the outstanding rent and utilities, and an order allowing the landlord to keep the full security deposit towards the claim.

## Decision and reasons

It is my finding that the tenant has failed to comply with a Notice to End Tenancy, and rent/utilities in the amount of \$5,234.62 is now outstanding to the end of August 2010.

Therefore the landlord does have the right to an Order of Possession, and pursuant to Section 55, I have issued an order of possession for two days after service of the order on the tenant.

I also Order, pursuant to Section 38, that the landlord may retain the full security deposit (\$500.00) towards the outstanding rent.

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

Remaining Outstanding rent	\$4734.62
Total	\$4784.62

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 30, 2010.

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Dispute Resolution Officer