



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes FF, MNDC, MNR, OPR

Introduction

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

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an Order of Possession based on the Notice to End Tenancy for non-payment of rent, a request for an order for \$900.00 in outstanding rent, 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 applicants testified that:

- The tenant has been refusing to pay rent for the last three months.
- The tenant was served with a 10 day Notice to End Tenancy for non-payment of rent on, August 5, 2010, however to date he has failed vacate the rental site.
- The tenant has not given a reason why he will not pay, he just refuses to pay.

The applicants are therefore requesting an Order of Possession for as soon as possible and an order for the outstanding rent and filing fee.

The respondent testified that:

- He has not paid the rent for the last three months and will not do so.



Dispute Resolution Services

Page: 2

Residential Tenancy Branch
Ministry of Housing and Social Development

- He has not been paying the rent because the landlords are trying to get them out of here and he believes it's a conspiracy.
- He owns the mobile home and he will not move it, and if the landlords want the land back he will dig out 2 feet of land under his trailer and give it to them, because below that level lies Crown land.
- He does not care what happens at this hearing he is not moving.

Analysis

The tenant has been withholding his rent for the last three months without any authority to do so.

The landlords have served the tenant with a proper 10 day notice to end tenancy for non-payment of rent and since the end of tenancy date is now well past the landlords have the right to an Order of Possession.

The tenant also owes \$900.00 in back rent and therefore I have issued an order for that outstanding rent plus the landlords filing fee.

Conclusion

I have issued an Order of Possession to the landlords as enforceable 10 days after service on the respondent and have issued an order that the respondent pay \$950.00 to the applicants.

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: September 30, 2010.

Dispute Resolution Officer