



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, 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.

### Issue(s) to be Decided

This is a request for an Order of Possession based on Notice to End Tenancy for non-payment of rent and a request for recovery of the filing fee that was paid for the dispute resolution hearing.

### Background and Evidence

The applicant testified that:

- At this time there is \$2200 in rent outstanding.
- On May 12, 2011 the tenant was personally served with the Notice to End Tenancy for non-payment rent.
- The tenant has failed to comply with that notice.

The applicant is therefore requesting an Order of Possession for as soon as possible and an order that the tenant bear the \$50.00 cost of the filing fee.

The respondent testified that:

- I do not dispute that this rent is outstanding however I have filed a monetary order against the landlord.
- The landlord did not serve the hearing package on me, it was served to someone else living at my house.

The respondent therefore asks that the request for an Order of Possession be denied.

### Analysis

The tenant has admitted that there is an extensive amount of rent outstanding, and does not deny receiving a Notice to End Tenancy.

Further the fact that the landlord served the dispute resolution package on an adult apparently living in the rental unit has no effect on these proceedings, because the Residential Tenancy Act allows the landlord to do so.

Therefore it is my decision that the landlord does have the right to an Order of Possession and I also allow the request for recovery of the filing fee.

### Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant and have issued a monetary award in the amount of \$50.00.

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 14, 2011.

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Residential Tenancy Branch