



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPC, OPR

Introduction

A substantial amount of 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 June 29, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment rent, a request for a monetary order for the outstanding rent totalling \$4848.00, a request for recovery of the \$50.00 filing fee, and a request to retain the full security deposit \$123.00 towards the claim.

Background and Evidence

The applicant testified that:

- The tenant has fallen far behind on the rent, to the point where, at the time of application, there was \$4848.00 in rent outstanding.
- She has attempted to work with the tenant to develop a payment plan to address the outstanding rent, however the tenant does not respond.
- On February 7, 2011 the tenant was served with a 10 day Notice to End Tenancy, and to date has failed to vacate the rental unit or pay the outstanding rent.

The applicant is therefore requesting an Order of Possession for as soon as possible.

The applicant is also requesting an order for the outstanding rent, and requests an order allowing them to keep the full security deposit towards the claim.

Analysis

It is my finding that at the time of this application the tenant did owe \$4848.00 in back rent. Further I accept the landlord's testimony that the tenant was properly served with a 10 day Notice to End Tenancy and has failed to vacate the rental unit.

I therefore allow the request for the Order of Possession and the monetary order.

I further order recovery of the filing fee.

Conclusion

I have issued an Order of Possession for two days after service on the tenant.

I have allowed the landlords full claim of \$4898.00 and I therefore order that the landlord may retain the full security deposit plus interest, totalling \$126.89, and I have issued a monetary order in the amount of \$4771.11.

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: July 29, 2011.

Residential Tenancy Branch