



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, 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 applicant(s) testified that the respondent was served with notice of the hearing by hand on August 22, 2011, however the respondent 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 Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$3000.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- The tenant did not pay the August 2011 rent and therefore on August 11, 2011 they personally served the tenant with a 10 day Notice to End Tenancy.
- The tenant did not comply with a 10 day Notice to End Tenancy nor did the tenant pay the outstanding rent within the five day grace period.
- The tenant eventually did pay the August 2011 rent, on September 12, 2011, however the money was accepted for use and occupancy only and they did not reinstate the tenancy.
- The tenant is still in the rental unit, and has paid no rent for the month of September 2011.

- They are therefore requesting an Order of Possession for as soon as possible, an order for the \$1500.00 outstanding September 2011 rent, and an order for recovery of their \$50.00 filing fee.

Analysis

It is my finding that the landlords have shown that the tenant was served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice, and therefore I allow the request for an Order of Possession.

It is also my finding that the landlords have shown that the full September 2011 rent of \$1500.00 is outstanding, and therefore I allow the request for a monetary order for \$1500.00.

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.

I have issued a monetary order in the amount of \$1550.00.

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: September 20, 2011.

Residential Tenancy Branch