

## **DECISION**

Dispute Codes      MND, MNDC, OPB, OPC

### **Introduction**

This hearing dealt with an application by the landlord for an order of possession and a monetary order for compensation. The landlord participated in the conference call hearing but the tenant(s) did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing by personal service on August 22, 2011. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence. The landlord gave affirmed evidence.

### **Issues to be Decided**

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for compensation for damages to the rental unit?

### **Background and Evidence**

At the outset of the hearing the landlord advised that she was not in a position to proceed with the monetary and compensation portion of her application at this time and requested to withdraw that part of her claim, accordingly I dismiss that portion of the landlords application with leave to reapply.

The tenancy began on or about August 2010. Rent in the amount of \$468.40 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$238.40. This matter was before a different Dispute Resolution Officer on June 21, 2011. The tenant was seeking to have a One Month Notice to End Tenancy for Cause set aside. The tenant was unsuccessful and the Notice was to remain in full effect and force.

The landlord has made application today for the purposes of seeking an Order of Possession as the tenant still has not vacated the rental unit. The landlord testified that she had “overlooked” asking for an order of possession.

### Analysis

I accept the landlord's undisputed testimony. The landlord provided documentary evidence as well as a co-worker as a witness. I find that the tenant was served with a notice to end tenancy for cause and based on the finding of fact made by the Dispute Resolution Officer at the previous hearing, this tenancy is terminated. I find that the landlord is entitled to an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

### Conclusion

The landlord is granted an order of possession.

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 21, 2011.

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Residential Tenancy Branch