



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNR, OPR

Introduction

Some 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 applicant(s) testified that the respondent(s) were served with notice of the hearing by hand on November 25, 2011; however the respondent(s) 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 of rent, a request for a monetary order for \$2800.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenants signed a tenancy agreement on September 1, 2011 and agreed to pay rent of \$625 per month.
- The tenants moved into the rental unit on September 1, 2011, but to date have paid no rent whatsoever.
- On November 14, 2011 the tenants were personally served with a 10 day Notice to End Tenancy for non-payment of rent.
- The tenants have failed to comply with the Notice to End Tenancy and therefore she is requesting an Order of Possession for as soon as possible.

- She is also requesting a monetary order for the outstanding rent in the amount of \$2500.00.
- She had also requested \$300.00 for damages, however at this time she is not sure what if any damages will be left at the end of the tenancy.

Analysis

It is my finding that the landlord has served the tenants with a proper 10 day Notice to End Tenancy for non-payment of rent, and since that rent is still outstanding the landlord has the right to an Order of Possession.

The landlord has also shown that there is a total of \$2500.00 rent outstanding at this time and therefore I allow the landlords claim for the outstanding rent plus the \$50.00 filing fee.

I dismissed with leave to reapply the claim for damages, because the landlord is not sure what if any damages will be left at the end of the tenancy and therefore the claim is premature.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants, and have issued a monetary order in the amount of \$2550.00.

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: December 12, 2011.

Residential Tenancy Branch