



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

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 was served with notice of the hearing by registered mail that was mailed November 30, 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 a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$4042.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- This tenancy began June 1, 2010.
- The tenant paid the rent to the end of July 2011.
- A marijuana grow operation was found in the manufactured home in July 2011.

- The tenant has paid no rent since July 2011 and therefore on November 2, 2011 the tenant was served with a Notice to End Tenancy.
- To date the tenant has not remove the manufactured home nor paid the outstanding rent.

The applicants are therefore requesting an Order of Possession for as soon as possible and a monetary order as follows:

August 2011 rent outstanding	\$763.00
September 2011 rent outstanding	\$763.00
October 2011 rent outstanding	\$784.00
November 2011 rent outstanding	\$784.00
December 2011 rent outstanding	\$784.00
Late fees \$25.00 X 5	\$125.00
Cleanup that had to be done on the property	\$30.00
Postage	\$9.73
Filing fee	\$50.00
Total	\$4092.73

Analysis

My finding that the landlords have shown that there is a significant amount of rent outstanding and is rental property and that a proper 10 day Notice to End Tenancy was served for non-payment of rent.

I further accept the landlords testimony that a cleanup of the property was required.

I therefore allow the landlords request for an Order of Possession I have allowed the full monetary claim other than the claim for postage, as that is the cost of the dispute resolution process, and I have no authority to award costs.

Conclusion

I have issued an Order of Possession for 1 p.m. on December 31, 2011.

I have issued a monetary order in the amount of \$4083.00.

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 13, 2011.

Residential Tenancy Branch