



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 and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

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 \$2200.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the December 2011 rent in the amount of \$1100.00 and therefore on December 4, 2011 a 10 day Notice to End Tenancy was posted on the tenant's door.

- To date the tenant has failed to comply with the notice and has failed to pay any further rent, and therefore at this time the January 2012 rent of \$1100.00 is also outstanding.

The applicant is therefore requesting an Order of Possession for as soon as possible, and a monetary order for the full outstanding rent of \$2200.00 plus the filing fee of \$50.00 for a total of \$2250.00.

The respondent testified that:

- She admits that the full December 2011 rent, and January 2012 rent has not been paid.
- She has been unable to pay the rent because her co-tenant moved out and is not paying her anything towards the rent.
- She has a friend who has told her that when he gets his tax return back he will pay all the outstanding rent however she does not know when that money will be available.

Analysis

It is my decision that I will allow the landlords request for an Order of Possession because the landlord has served the tenant with a valid 10 day Notice to End Tenancy for non-payment of rent, and the tenant has failed to comply with that notice or pay any of the outstanding rent.

I also allow the landlords request for a monetary order for that outstanding rent in the amount of \$2200.00.

I also order recovery of the \$50.00 filing fee.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants.

I have issued a monetary order in the amount of \$2250.00.

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: January 11, 2012.

Residential Tenancy Branch