



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR OPR

Introduction

Some written arguments have 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 and a request for a monetary order for \$2370.00.

Background and Evidence

The applicant testified that:

- The tenant has failed to pay rent for the months of January 2012, February 2012, and March 2012, for a total of \$1950.00.
- The tenant was served with a 10 day Notice to End Tenancy on February 23, 2012.
- The tenant has not vacated or paid the outstanding rent.
- The tenant also owes \$420.00 in late fees that have accumulated at \$25.00 per month.

The applicant is therefore requesting an Order of Possession for as soon as possible and a monetary order in the amount of \$2370.00.

The respondent testified that:

- He does not dispute the amounts claimed by the landlord and he owes the full amount of \$2370.00.

- He has been unable to work due to Agoraphobia and has no money to pay the rent.

Analysis

The tenant is not disputing the monetary portion of this claim and therefore I allow the landlords full monetary claim of \$2370.00.

I am not however willing to issue an Order of Possession, because there is no copy of the Notice to End Tenancy in the file. In the absence of that notice I have no way of determining whether or not it is a valid notice.

If the landlord still wishes to end this tenancy the landlord must serve the tenant with a new Notice to End Tenancy.

Conclusion

The request for an Order of Possession is dismissed.

I have issued a monetary order in the amount of \$2370.00.

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: March 26, 2012.

Residential Tenancy Branch