



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, 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 testified that the respondent was served with notice of the hearing by registered mail that was mailed on August 9, 2012; 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 Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$1862.50, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began on November 1, 2010 with a monthly rent of \$725.00 due on the first of each month.
- The tenant's rent check for July 2012 was not honoured by the bank and as a result a 10 day Notice to End Tenancy was put in the tenant's mailbox on July 13, 2012.
- To date the tenant has failed to comply with that notice and has failed to pay any further rent.
- They therefore request an Order of Possession for as soon as possible, and an order for the outstanding rent plus their filing fee.

Analysis

Is my finding that the applicant has shown that the tenant has failed to pay any rent for the months of July 2012, August 2012, and September 2012. I therefore allow the landlords request for that outstanding rent totalling \$2175.00.

It is also my finding that the landlords have served the tenant with the valid 10 day Notice to End Tenancy and, since the end of tenancy date is well past, I also allow the request for an Order of Possession.

I further 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 tenant.

I have also allowed the landlords full monetary claim of \$2225.00 and I therefore order that the landlord may retain the full security deposit of \$362.50 and have issued a monetary order for \$1862.50.

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 06, 2012.

Residential Tenancy Branch

