



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 testified that the respondent was served with notice of the hearing by registered mail that was mailed on October 1, 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 a Notice to End Tenancy for nonpayment of rent, a request for a monetary order for \$4100.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the September 2012 rent and therefore on September 21, 2012 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The outstanding rent was not paid within the 5 day grace period however it was later paid by the Ministry and a receipt was issued stating that the tenancy was not being reinstated.
- The tenant has now failed to pay the October 2012 rent and has failed to vacate the rental unit.

The applicant is therefore requesting an Order of Possession for as soon as possible, a Monetary Order for the outstanding rent and possible lost rental revenue for November 2012, and recovery of the \$50.00 filing fee.

Analysis

It is my finding that the landlord has shown that the tenant failed to pay the September 2012 rent and was served with a valid 10 day Notice to End Tenancy.

It is also my finding that the tenancy has not been re-established and therefore the tenant should have vacated the rental unit, and I therefore allow the landlords request for an Order of Possession.

I also allow the landlords claim for the outstanding October 2012 rent in the amount of \$1700.00 and I order recovery of the \$50.00 filing fee.

I will not allow the claim for November 2012 rent at this time however as the claim is premature. November 2012 rent is not yet overdue.

Conclusion

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

I have issued a Monetary Order in the amount of \$1750.00.

The claim for November 2012 lost rental revenue is dismissed with leave to reapply.

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: November 01, 2012.

Residential Tenancy Branch