



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, MNR, OPR,

### Introduction

Some 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 decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords; however the tenant has not serve the landlord with notice of the hearing or the hearing package, and therefore I will not proceed with the tenants application.

Landlord's application 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 \$1600.00, and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

The landlord testified that:

- The tenant has failed to pay the November 2012 rent which she has reduced to \$750.00.
- The tenant was served with a 10 day notice to end tenancy on November 9, 2012, however the tenant has failed to comply with that notice.
- She is therefore requesting an order of possession for as soon as possible, and a monetary order for the outstanding rent plus her filing fee.

The tenant testified that:

- She has not paid the rent, however the rent is available for the landlord at the Ministry of Human Resources.
- The landlord can go in and pick up the rent at any time; she just needs to sign and an “intend to rent” form showing the rent has been reduced to \$750.00 per month.

In response to the tenant’s testimony the landlord testified that:

- The tenants put a stop on the rent the Ministry of Human Resources and they will not release the rent to her.
- For her to get the rent the tenant has to come into the Ministry with her, and the tenant has refused to do so.

### Analysis

It is my finding that the landlord has shown that there is a total of \$750.00 in rent outstanding for the month of November 2012, and that the tenant has been served with a valid 10 day notice to end tenancy for nonpayment of rent.

I therefore allow the landlords request for an order of possession and for a monetary order.

I also allow the request for recovery of the filing fee.

Conclusion

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

I've issued a monetary order in the amount of \$800.00.

The tenants application 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 28, 2012.

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Residential Tenancy Branch

