



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, 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(s) testified that the notice of the hearing was posted on the respondent's door on October 25, 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 \$525.00, a request to retain the full security deposit towards the claim, and a request for recovery of the \$50.00 filing fee.

I am able to deal with the request for an Order of Possession, however I am unable to proceed with the request for a Monetary Order because the notice of hearing was posted on the respondent's door and this is not a method of service recognized for monetary claims.

Background and Evidence

The applicant testified that:

- This tenancy began February 1, 2011 with a monthly rent of \$700.00 per month, and a security deposit of \$350.00 was collected on February 28, 2012.
- On October 3, 2012 the tenant was served with a 10 day notice to end tenancy for nonpayment of rent in the amount of \$525.00.

- The tenant has failed to comply with that notice, and at this time there is a total of \$1225.00 rent outstanding.
- They are therefore requesting an Order of Possession for as soon as possible.

Analysis

It is my finding that the landlords have shown that the tenant has failed to comply with a valid 10 day Notice to End Tenancy, and the end of tenancy date is well past. I therefore allow the request for an Order of Possession.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent. I also ordered recovery of the filing fee.

The monetary portion of this claim 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.

Residential Tenancy Branch

