



# 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 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 notice of hearing and hearing package was posted on the respondent's door on April 25, 2013, 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, and a request for a monetary Order for \$2445.00 however I am only able to deal with the request for an Order of Possession at today's hearing, because the notice of hearing and hearing package were not served in a method allowed for monetary claims, only for Orders of possession or requests for an Order for an Early End of the Tenancy.

Section 89 of the Residential Tenancy Act states:

**89** (1) An application for dispute resolution or a decision of the director to proceed with a review under Division 2 of Part 5, when required to be given to one party by another, must be given in one of the following ways:

(a) by leaving a copy with the person;

(b) if the person is a landlord, by leaving a copy with an agent of the landlord;

(c) by sending a copy by registered mail to the address at which the person resides or, if the person is a landlord, to the address at which the person carries on business as a landlord;

(d) if the person is a tenant, by sending a copy by registered mail to a forwarding address provided by the tenant;

(e) as Ordered by the director under section 71 (1) [*director's Orders: delivery and service of documents*].

(2) An application by a landlord under section 55 [*Order of Possession for the landlord*], 56 [*application for Order ending tenancy early*] or 56.1 [*Order of Possession: tenancy frustrated*] must be given to the tenant in one of the following ways:

(a) by leaving a copy with the tenant;

(b) by sending a copy by registered mail to the address at which the tenant resides;

(c) by leaving a copy at the tenant's residence with an adult who apparently resides with the tenant;

(d) by attaching a copy to a door or other conspicuous place at the address at which the tenant resides;

(e) as Ordered by the director under section 71 (1) [*director's Orders: delivery and service of documents*].

### Background and Evidence

The landlord testified that:

- This tenancy began on September 1, 2010 with the monthly rent of \$850.00 due on the first of each month.
- The tenant did not pay the March 2013 rent or April 2013 rent, and therefore on April 11, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant did not comply with that Notice to End Tenancy, and now there is even further rent outstanding.
- He is therefore requesting an immediate Order of Possession.

Analysis

It's my finding that the landlord has shown that the tenant has failed to pay the March 2013, April 2013, and May 2013 rent, other than a partial payment of \$180.00.

It is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy, and the tenant has not complied with that notice.

Therefore it's my decision that the landlord has the right to an Order of Possession.

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

Conclusion

I have issued an immediate Order of Possession and an Order for recovery of the \$50.00 filing fee.

The remainder of the applicant's monetary 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: May 22, 2013

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Residential Tenancy Branch

