



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Colombian Centennial Housing Society
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for outstanding rent, and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an order to keep the full security deposit towards the claim.

Some documentary evidence and written arguments have 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 May 7, 2013; however the respondent did not join the conference call that was set up for the hearing.

It's my finding that the respondent is deemed served with the notice of hearing five days after it was mailed.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the applicant entitled to an Order of Possession?

Is the applicant entitled to a Monetary Order for outstanding rent?

Background and Evidence

The applicant testified that:

- This is a subsidized rental unit, and the tenant's portion of the rent is \$475.00 per month.
- The tenant fell behind on the rent and therefore on April 10, 2013 the tenant was personally served with a 10 day Notice to End Tenancy.
- The tenant has failed to comply with the Notice to End Tenancy, and although she paid \$100.00 for use and occupancy only, no further rent has been paid. Therefore this time, if you include June 2013 rent, there is a total of \$1625.00 in outstanding rent.
- They are therefore requesting an Order of Possession for soon as possible and an Order for the outstanding rent.

Analysis

It's my finding that the landlord has shown that, at this time, including June 2013 rent, there is a total of \$1625.00 in rent outstanding.

It is also my finding that the tenant has been duly served a 10 day Notice to End Tenancy and has failed to comply with that notice.

I therefore allow the landlords request for an Order of Possession and I will allow the claim for outstanding rent to June 15, 2013.

I have allowed rent to June 15, 2013 as I find it unlikely that the unit will be rented before that date however I will not issue an order for rent for the second half June 2013 because it's not clear whether or not the unit will be re-rented for the last half of June 2013.

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 have allowed a monetary claim of \$1437.50 and I therefore order that the landlord may retain the full security deposit of \$300.00, and I've issued a Monetary Order in the amount of \$1137.50.

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: June 03, 2013

Residential Tenancy Branch

