



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNR, 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 \$100.00 filing fee.

A substantial amount of documentary evidence, photo 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 respondent(s) were served with notice of the hearing by registered mail that was mailed on May 22nd 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

It's my finding that the respondents are deemed served five days after their documents were mailed.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

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

Is the landlord entitled to recovery of the filing fee?

### Background and Evidence

The applicant testified that:

- This tenancy began on October 1, 2012 with the monthly rent of \$650.00 and at that time the tenants were also supposed to pay a security deposit however the tenants have never paid any money whatsoever on this tenancy.
- The tenants kept making promises that they would pay the outstanding rent, or do construction on the property in lieu of rent, however they've done neither.
- He has tried to work with the tenants but it's become obvious that the tenants are just squatters and don't intend to do any work, or pay any rent, and therefore on May 6, 2013 he served a 10 day Notice to End Tenancy by registered mail.
- To date the tenants have failed to comply with that notice and as stated above have failed to pay any rent.
- He is therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for the outstanding nine months rent, at \$650.00 per month, totaling of \$5850.00.

#### Analysis

It's my finding that the landlord has shown that the tenants have failed to pay any rent for the full term of this tenancy and therefore I allow the landlords claim for that outstanding rent totaling \$5850.00 to the end of June 2013.

It is also my finding that the landlord has served the tenants with a valid 10 day Notice to End Tenancy, and the tenants have failed to comply with that notice and I therefore allow the request for an Order of Possession.

I also allow the request for recovery of the \$100.00 filing fee.

#### Conclusion

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

I've issued a Monetary Order in the amount of \$5950.00.

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 17, 2013

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Residential Tenancy Branch