



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, FF

### 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 \$625.00, and a request for recovery of the \$50.00 filing fee.

Some documentary evidence 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 23rd 2013; however the respondent did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing, and therefore the respondent was served with notice of this hearing by May 28th 2013.

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 of \$625.00?

### Background and Evidence

The applicant testified that:

- This tenancy began on October 15, 2012 with the monthly rent of \$625.00 due on the first of each month.
- The tenant failed to pay the May 2013 rent and therefore on May 7, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that notice, and therefore on May 19, 2013 he applied for dispute resolution.
- The tenant has subsequently paid a portion of the rent which was accepted for use and occupancy only; however there is still \$50.00 rent outstanding.
- He is therefore requesting an Order of Possession for June 30, 2013, and a Monetary Order for the outstanding rent plus the filing fee.

### Analysis

It is my finding that the applicant has shown that the tenant failed to pay the May 2013 rent and was served with a valid 10 day Notice to End Tenancy, and since the tenant has failed to comply with that notice I will allow the request for an Order of Possession.

It is also my finding that the applicant has shown that at this time there is still a total of \$50.00 in rent outstanding and I therefore allow the request for a Monetary Order.

I also order recovery of the \$50.00 filing fee.

### Conclusion

I have issued an Order of Possession for 1:00 PM on June 30, 2013.

I have issued a Monetary Order in the amount of \$100.00.

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 20, 2013

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Residential Tenancy Branch