



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding CAPREIT LP  
and [tenant name suppressed to protect privacy]

## **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 \$50.00 filing fee.

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 respondent was served with notice of the hearing by registered mail that was mailed on June 3, 2013; and however the respondent did not join the conference call that was set up for the hearing.

It's my finding that the Notice of Hearing it is deemed served by June 8, 2013.

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 Monetary Order for outstanding rent?

Background and Evidence

The applicant testified that:

- The tenant has fallen behind in the rent and therefore on May 2, 2013 a Notice to End Tenancy was posted on the tenant's door.
- To date the tenant has failed to comply with that notice, and now there is further rent outstanding for a total amount of \$1708.16.
- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for the outstanding rent.

Analysis

The landlord has failed to supply a copy of the Notice to End Tenancy that they claim to have served on May 2, 2013, and therefore in the absence of that notice I am not willing to issue an Order of Possession.

I will however allow the landlords request for the outstanding rent totaling \$1780.16 as I accept the landlord's testimony that the tenant has fallen behind in the rent by that amount.

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

Conclusion

The request for an Order of Possession is dismissed.

I have issued a Monetary Order in the amount of \$1830.16.

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 26, 2013

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Residential Tenancy Branch