



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Carnaby Manor
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 \$1480.00, and a request for recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed September 5, 2013; however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore it is my finding that the respondent has been properly served with notice of the hearing.

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 \$1480.00, and recovery of the \$50.00 filing fee?

Background and Evidence

The applicant testified that:

- This tenancy began on April 1, 2013 with the monthly rent of \$740.00.
- The tenant failed to pay the August 2013 rent and therefore on August 14, 2013 the tenant was personally served with a 10 day Notice to End Tenancy.

- The tenant has failed to comply with that notice and has failed to pay any further rent.
- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order as follows:

August 2013 rent outstanding	\$740.00
September 2013 rent outstanding	\$740.00
Filing fee	\$50.00
Total	\$1530.00

Analysis

It's my finding that the landlord has shown that the tenant has failed to pay the August 2013 and September 2013 rent and therefore I allow those portions of the claim.

I also allow the request for an Order of Possession as the landlord has proven to me that a 10 day Notice to End Tenancy was served on the tenants.

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

Conclusion

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

I have issued a Monetary Order in the amount of \$1530.00.

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: September 20, 2013

Residential Tenancy Branch

