



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNDC, MNSD, 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 \$2850.00, and a request for an order for recovery of the \$50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by posting of the documents on the respondent's door; 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 posted on the door of the respondent's residence are deemed served 3 days after posting and therefore it is my finding that the respondent has been served with notice of the hearing to deal with the Order of Possession.

I am not however able to deal with the request for a Monetary Order, because applications for Monetary Orders are not considered served if posted on the door.

All testimony was taken under affirmation.

Issue(s) to be Decided

Are the applicants entitled to an Order of Possession?

Background and Evidence

The applicant testified that:

- This tenancy began on February 1, 2013 with the monthly rent of \$950.00.

- The tenant failed to pay the July 2013 rent, and therefore on July 30, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant has failed to comply with that notice and failed to pay any further rent.

Analysis

It is my finding that the applicants have shown that the tenant has failed to comply with a valid 10 day Notice to End Tenancy. I therefore allow the request for an Order of Possession.

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 tenant.

I've issued a Monetary Order in the amount of \$50.00 for recovery of the filing fee.

The monetary portion of this claim is dismissed with leave to reapply.

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 23, 2013

Residential Tenancy Branch

