



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, 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 the outstanding rent, a request for recovery of the \$50.00 filing fee.

A substantial amount of 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(s) were served with notice of the hearing by registered mail that was mailed on August 19, 2013; however the respondent(s) did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after their mailed, and therefore it's my finding that the respondents have been properly served with notice of today's 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 outstanding rent?

Is the applicant entitled to an order for recovery of the filing fee?

Background and Evidence

The applicant testified that:

- This tenancy began on May 1, 2013 with a monthly rent of \$825.00 due on the first of each month.
- The tenants failed to pay the August 2013 rent and therefore on August 5, 2013 the tenants were personally served with a 10 day Notice to End Tenancy.
- The tenants did not comply with that notice nor pay the outstanding rent and therefore on August 19, 2013 she applied for dispute resolution.
- A portion of the outstanding rent was eventually paid and accepted for use and occupancy only, however at this time there is still a total of \$225.00 outstanding.
- She is therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent.

Analysis

It is my finding that the applicant has shown that the tenants were served with a 10 day Notice to End Tenancy and that the tenants have failed to comply with that notice.

It is also my finding that the applicant has shown that there is still a total of \$225.00 in rent outstanding.

I therefore allow the applicants request for an Order of Possession based on a Notice to End Tenancy, and I also allow the request for an order for the outstanding rent.

I further allow the request for recovery of the \$50.00 filing fee.

Conclusion

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

I have issued a Monetary Order in the amount of \$275.00.

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 26, 2013

Residential Tenancy Branch

