



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Associated Property Management (2001) Ltd
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, FF, MND, MNSD

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 totaling \$5950.00, 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 on August 26, 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 landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order in the amount of \$5950.00?

Background and Evidence

The applicant testified that:

- This tenancy began on September 1, 2012 with a monthly rent of \$1700.00.
- The tenants had fallen behind in the rent by a significant amount and therefore on July 15, 2013 the tenants were served with a 10 day Notice to End Tenancy.

- The tenants failed to comply with that Notice to End Tenancy; however they have reduced the outstanding rent by \$2000.00, which was accepted for use and occupancy only.
- They are therefore requesting an Order of Possession for as soon as possible, and a reduced Monetary Order for the outstanding rent which totals at this time \$3950.00.

Analysis

It's my finding that the applicants have shown that the respondent was properly served with a 10 day Notice to End Tenancy and has failed to comply with that notice, and has failed to pay the full outstanding rent. I therefore allow the request for an Order of Possession.

I also accept the landlord's testimony that at this point the tenant owes a total of \$3950.00 in outstanding rent, and I therefore also allow the claim for outstanding rent.

I also 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 tenant.

I've issued a Monetary Order in the amount of \$4000.00.

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: October 02, 2013

Residential Tenancy Branch

