



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, OPC, OPR

Introduction

This is an application for an Order of Possession and a request for a Monetary Order for \$3600.00.

The applicant testified that the respondent was served with the Notice of Hearing by registered mail that was mailed on September 9, 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 of \$3600.00?

Background and Evidence

The applicant testified that:

- The tenant was constantly late with the rent and therefore on August 1, 2013 a one-month Notice to End Tenancy for repeated rent was served on the tenant.
- The tenant failed to comply with that notice, and therefore they are requesting an Order of Possession based on that notice.

- The tenant has also fallen well behind on the rent, and at this time there is a total of \$3550.00 in rent outstanding to the end of October 2013.
- They are requesting a Monetary Order for the outstanding rent us their \$50.00 filing fee.

Analysis

It's my finding that the applicants have shown that the respondent was served with a valid one-month Notice to End Tenancy that ended this tenancy at the end of September 2013, and therefore since the tenant has failed to comply with that notice I allow the request for an Order of Possession.

It is also my finding that the applicants have shown that the tenant has fallen behind in the rent to the amount of \$3550.00 and I therefore also allow the request for that outstanding rent.

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

Conclusion

I have issued an Order of Possession that's enforceable two days after service on the tenant.

I have issued a Monetary Order in the amount of \$3600.00.

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 16, 2013

Residential Tenancy Branch

