



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, 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 \$6000.00, and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an Order to keep the full security deposit towards the claim.

The applicant testified that the respondent was served with notice of the hearing by personal service on August 28, 2013; however the respondent did not join the conference call that was set up for the hearing.

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 for \$6000.00?

Background and Evidence

The applicant testified that:

- The tenant failed to pay the August 2013 rent and therefore on August 16, 2013 a 10 day Notice to End Tenancy was personally served to the tenant.
- The tenant failed to comply with that notice, and failed to pay the outstanding rent within the five-day grace period.
- The tenant eventually did pay the full August 2013 rent however it was accepted for use and occupancy only.
- The tenant is still in the rental unit; however the tenant has now failed to pay \$1800.00 of the September 2013 rent.

He is therefore requesting an Order of Possession for as soon as possible and a reduced Monetary Order as follows:

September 2013 rent outstanding	\$1800.00
Filing fee	\$50.00
Total	\$1850.00

Analysis

It's my finding that the respondent has been properly served with a 10 day Notice to End Tenancy and has failed to comply with that notice and I therefore allow the landlords request for an Order of Possession.

It is also my finding that the applicant has shown that there is a total of \$1800.00 rent outstanding for the month of September 2013 and I therefore also allow that portion of the claim.

I further allow the request for recovery of the filing fee.

Conclusion

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

I have allowed the landlords full reduced claim of \$1850.00 and I therefore order that the landlord may retain the full security deposit of \$1000.00 and I've issued a Monetary Order in the amount of \$850.00.

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 09, 2013

Residential Tenancy Branch

