



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, 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 \$4480.00, and a request for recovery of the \$50.00 filing fee.

The applicant(s) testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on October 21, 2013; however the respondent(s) 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(s) have 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 \$4480.00?

Background and Evidence

The applicants testified that:

- The rent for this rental unit is \$1480.00 per month, due on the first of each month.
- The tenants failed to pay the September 2013 rent, and therefore on September 18th 2013, a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenants failed to comply with that notice and have failed to pay any further rent.
- Therefore as of today's date there is three months rent outstanding for a total of \$4440.00.
- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for the outstanding rent plus their \$50.00 filing fee.

Analysis

The tenants have provided the tenancy agreement that shows that the rent for this unit is \$1480.00 per month.

It's my finding that the applicants have shown that the tenant has failed to pay any rent for the months of September 2013, October 2013, and November 2013 for a total of \$4440.00, I therefore allow the landlords request for a Monetary Order for that outstanding rent.

It is also my finding that the tenants have been served with a valid 10 day Notice to End Tenancy and have failed to comply with that notice. I therefore also allow the landlords request for an Order of Possession, as the end of tenancy date is well past.

I also Order recovery of the \$50.00 filing fee, as I have allowed the landlords full claim.

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 \$4490.00.

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: November 21, 2013

Residential Tenancy Branch

