



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Regal Hotel
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, MNSD, 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, a request to retain the security deposit towards the claim, and a request for recovery of the \$50.00 filing fee.

Some 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 was served with notice of the hearing by registered mail that was mailed on October 9, 2013, however the respondent did not join the conference call that was set up for the hearing.

Documents served 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 today's hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Has the landlord established a monetary claim against tenant, and if so for how much?

Background and Evidence

The applicant testified that:

- This tenancy began on August 31, 2012 with a monthly rent of \$375.00 and at that time a security deposit of \$170.50 was collected.
- The tenants failed to pay the September 2013 rent, and the October 2013 rent, and therefore on October 2, 2013 the tenant was personally served with a 10 day Notice to End Tenancy.
- The tenant has failed to comply with that notice and this failed to pay any further rent, and therefore they are asking for an Order of Possession for as soon as possible, and a Monetary Order for the outstanding rent totaling \$1125.00.
- They are also requesting recovery of the \$50.00 filing fee and request an order allowing them to retain the full security deposit towards this claim.

Analysis

It is my finding that the landlords 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 \$1125.00 and I therefore allow the landlords request for a Monetary Order for that outstanding rent.

It is also my finding that the landlords have served the tenant with a valid 10 day Notice to End Tenancy, and since the tenant has failed to comply with that notice I also allow the request for an Order of Possession.

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 respondent.

I have allowed the landlords full monetary claim of \$1175.00 and I therefore Order that the landlord may retain the full security deposit of \$178.50, and I have issued a Monetary Order in the amount of \$946.50.

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 18, 2013

Residential Tenancy Branch

