



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

This is an application for a Monetary Order for \$7999.29, a request for an Order of Possession based on a Notice to End Tenancy, and a request for recovery of the \$100.00 filing fee.

The applicant testified that the Notice of Hearing and hearing documents were posted on the tenant's door on September 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 that are posted on the door of the rental unit are deemed served 3 days after posting and therefore it is my finding that the respondent has been properly served with notice of the hearing for the Order of Possession.

I am not, however able to proceed with the requested monetary claim, because the Residential Tenancy Act does not allow the Notice of Hearing and arbitration documents for a monetary claim to be posted on the door. Only Notice of Hearing and arbitration documents for an Order of Possession may be posted on the door.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Background and Evidence

The applicant testified that:

- This tenancy began on December 1, 2011 with the monthly rent of \$1500.00.
- Starting in July of 2012 the tenant started to fall behind on the rent, and the outstanding rent has progressively increased to the point where by September of 2013 there was a total of \$5750.29 in rent outstanding.
- Therefore on September 6, 2013 the tenant was served with a 10 day Notice to End Tenancy.
- The tenant has failed to comply with that notice, and in fact has fallen further behind in the rent to the point where, as of today's date, there is a total of \$8750.29 outstanding.
- She is therefore requesting an Order of Possession for soon as possible.

Analysis

It's my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy for nonpayment of rent, and that, on the date of serving, there was a total of \$5750.29 in rent outstanding.

Further since the tenant has failed to comply with that Notice to End Tenancy it is my decision that the landlord has the right to an Order of Possession.

I will also allow 1/2 the landlords claim for the filing fee, because \$50.00 is the amount the landlord would have had to pay had they been filing for an Order of Possession only.

Conclusion

I have issued a Monetary Order in the amount of \$50.00 for recovery of 1/2 the filing fee.

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

The monetary portion of this application is dismissed with leave to reapply.

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 05, 2013

Residential Tenancy Branch

