



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This is an application for an Order of Possession based on Noticed to End Tenancy for nonpayment of rent, and an application for a Monetary Order for outstanding rent.

The applicant's agent testified that the respondent was served with notice of the hearing by registered mail that was mailed December 20, 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 applicant entitled to an Order of Possession?

Has the applicant established the right to a Monetary Order for outstanding rent, and if so in what amount?

### Background and Evidence

The applicant testified that:

- This tenancy began on February 15, 2012 with him monthly rent of \$2950.00.
- The tenant had fallen substantially behind on the rent, and therefore on December 11, 2013 a 10 day Notice to End Tenancy was sent by registered mail to the respondent.

- The respondent has failed to comply with that notice, and has failed to pay any further rent.
- Therefore at this time there is a total of \$17,550.00 in rent outstanding to the end of January 2014.
- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for the outstanding rent.

### Analysis

It's my finding that the applicant has shown that there is a total of \$17,550.00 in rent outstanding to the end of January 2014, and therefore I allow the request for the Monetary Order.

It is also my finding that the applicants have served the respondent with a valid ten-day Notice to End Tenancy, and as the end of tenancy date is well past I also allow the request for an Order of Possession.

At the hearing I had stated I would also allow the request for recovery of the filing fee, however upon further review of the file I found that the applicants had not requested recovery of the filing fee. Therefore no order for recovery of the filing fee has been included.

### Conclusion

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

I have issued a Monetary Order in the amount of \$17,550.00.

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: January 13, 2014

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Residential Tenancy Branch

