Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes   MNR, MNSD, OPR, FF

Introduction
This is an application for an Order of Possession based on the noticed in tenancy for nonpayment of rent, a request for a Monetary Order for $1500.00, a request to retain the full security deposit towards the claim, and a request for recovery of the $50.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed December 19, 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 landlord entitled to an Order of Possession?

Has the landlord established a monetary claim against the respondent?

Background and Evidence
The applicant testified that:
- This tenancy began on June 1, 2013 with the monthly rent of $500.00, and a security deposit of $250.00 was collected on that date.
- The tenant failed to pay the full October 2013, and December 2013 rent and therefore on December 11, 2013 a 10 day notice then tenancy was served on the tenant.
- The tenant has failed to comply with that notice and has failed to pay any further rent.

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

October 2013 rent outstanding	$500.00
December 2013 rent outstanding	$500.00
January 2014 rent outstanding	$500.00
Filing fee	$50.00
Total	$1550.00

Analysis

It's my finding that the applicant has shown that the tenant has failed to pay a total of $1500.00 in outstanding rent as claimed, and I therefore allow the request for a Monetary Order.

It is also my finding that the applicant has served the tenant with a valid 10 day Notice to End Tenancy and I therefore also allow the request for an Order of Possession.

I also 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 full monetary claim of $1550.00, and I therefore order that the applicant may retain the full security deposit of $250.00, and I have issued a Monetary Order in the amount of $1300.00.

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