



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 an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for outstanding rent plus the applicant's filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on January 10, 2014, 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

Are the landlords entitled to an Order of Possession?

Are the landlords entitled to a Monetary Order for outstanding rent?

Background and Evidence

The applicant testified that:

- This tenancy began on January 1, 2013 with the monthly rent of \$1125.00.
- They hold no security deposit.
- The tenant failed to pay \$850.00 of the December 2013 rent, and therefore on December 9, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date the tenant has failed to comply with the Notice to End Tenancy, and has failed to pay any further rent.
- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order as follows:

December 2013 rent outstanding	\$850.00
January 2014 rent outstanding	\$1125.00
February 2014 rent outstanding	\$1125.00
Filing fee	\$50.00
Total	\$3150.00

Analysis

It is my finding that the applicants have shown that, as of today's date, there is a total of \$3075.00 in rent outstanding to the end of February 2014, and therefore pursuant to Section 67 of the Residential Tenancy Act, I allow the request for a Monetary Order for that outstanding rent.

I also find that the landlords of served a valid 10 day Notice to End Tenancy, and the tenant has failed to comply with that notice. Pursuant to Sections 46, and 55 of the Residential Tenancy Act I therefore also allow the request for an Order of Possession.

I further allow the request for recovery of the \$50.00 filing fee.

Conclusion

I have issued a Monetary Order in the amount of \$3150.00.

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

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: February 03, 2014

Residential Tenancy Branch

