



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Green Team Realty Inc.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

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 and recovery of the filing fee. The applicant is also requesting an order allowing the applicant to retain the full security deposit towards the claim.

The applicant(s) testified that the respondent was served with notice of the hearing by registered mail that was mailed January 14, 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

Is the landlord entitled to an Order of Possession?

Has the landlord established a monetary claim against the respondent and if so in what amount?

Background and Evidence

The applicant testified that:

- This tenancy began September 15, 2012 with a monthly rent of \$2300.00, and a security deposit of \$1150.00 was collected.
- The rent was subsequently reduced to \$2200.00 per month as of May 2013.
- The tenant has been falling behind on the rent ever since.
- The tenant had fallen substantially behind in the rent and therefore on December 14, 2013 the landlord personally served the tenant with a 10 day Notice to End Tenancy.
- To date the tenant has failed to comply with that notice, 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 for the outstanding rent which now totals \$10,950.00, to the end of February 2014.

Analysis

It is my finding that the landlords have shown that as of today's date the tenant owes \$10,950.00 in outstanding rent, and I therefore allow the claim for that outstanding rent.

It is also my finding that the tenant was served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice and therefore the landlords have the right to an Order of Possession.

I also allow the request for recovery of the \$100.00 filing fee.

Conclusion

I have allowed the landlords full claim of \$11,050.00, and I therefore order that the landlords may retain the full security deposit of \$1 150.00, and pursuant to Section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$9900.00.

I have also issued an Order of Possession, pursuant to section 55 of the Residential Tenancy Act, which 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 25, 2014

Residential Tenancy Branch

