



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Atira Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR, MNR, MNDC, FF

Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for outstanding rent, and a request for recovery of the \$50.00 filing fee.

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with Notice of the Hearing by personal service on January 21, 2014 however the respondent did not join the conference call that was set up for the hearing.

I accept the applicant's testimony that the respondent was properly served with notice of the hearing, and therefore the hearing proceeded in the respondent's absence.

All testimony was taken under affirmation.

Is Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order for outstanding rent?

Background and Evidence

The landlord testified that:

- The tenant had fallen behind on the rent, and as of January 6, 2014 there was a total of \$1159.00 in rent outstanding.
- The tenant was served with a 10 day Notice to End Tenancy on January 6, 2014.
- The tenant has paid some of the outstanding rent; however it was not paid within the five day grace period, and was accepted for use and occupancy only.
- As of today's date the tenant still owes is \$676.94.
- They are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent plus their filing fee.

Analysis

It is my finding that the landlords have shown that the tenant was served with a valid 10 day Notice to End Tenancy for outstanding rent, and that the tenant has not complied with that notice, nor has the tenant paid the full outstanding amount within the five day grace period. I therefore will allow the request for an Order of Possession.

I also accept the landlord's testimony that, at this time, and I and there is still a total of \$676.94 in rent outstanding, and therefore I also allow the request for a Monetary Order for the outstanding rent.

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

Conclusion

Pursuant to section 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable two days after service on the respondent.

Pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$726.94.

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: March 05, 2014

Residential Tenancy Branch

