



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Corrected decision

Dispute Codes MNR, MNSD, MNDC, FF, OPR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord, however the tenant did not appear for today's hearing and therefore her application has been dismissed.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy that was given for nonpayment of rent, a request for a Monetary Order for \$1960.00, a request for recovery of the \$50.00 filing fee, and a request to retain the \$490.00 security deposit towards the claim.

The landlord testified that the tenant was served with notice of the hearing by registered mail that was mailed on December 10, 2013, however the tenant 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 tenant has been properly served with notice of the hearing.

Further the tenant had filed a cross application, and her application was scheduled to be heard at the same time and therefore she was fully aware of the date and time 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 in the amount of \$1960.00?

Background and Evidence

The landlord testified that:

- This tenancy began on September 26, 2013 with the monthly rent of \$980.00, and a security deposit of \$490.00 was collected on that date.
- The tenant failed to pay the December 2013 rent, and therefore on December 4, 2013 she personally served the tenant with a 10 day Notice to End Tenancy.
- To date the tenant has failed to comply with the Notice to End Tenancy and has failed to pay any further rent and therefore as of today's date there is rent outstanding for the months of December 2013, and January 2014, for a total of \$1960.00.
- She is therefore requesting an Order of Possession for soon as possible and a Monetary Order for the outstanding rent.
- She is also requesting an order allowing her to keep the full security deposit of \$490.00 towards the claim

Analysis

It's my finding that the applicant has shown that the tenant failed to pay the December 2013 rent and that a valid 10 day Notice to End Tenancy was served on the tenant on December 4, 2013.

The tenant has failed to comply with a 10 day Notice to End Tenancy and therefore I allow the request for an Order of Possession

It is also my finding that the tenant has failed to pay any further rent and therefore at this time there is a total of \$1960.00 in rent outstanding, and I therefore allow the landlords claim for that outstanding rent.

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

Conclusion

I have issued an Order of Possession that's enforceable two days after service on the respondent.

I have allowed the landlords full claim of \$2010.00 and I therefore order that the landlord may retain the full security deposit of \$490.00 and I've issued a Monetary Order in the amount of \$1520.00.

As stated earlier the tenant's application is dismissed in full without leave to reapply.

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*.

Note: this decision replaces and corrects the original decision I issued On January 6, 2014, in which I inadvertently left out the portion of my conclusion dealing with the Order of Possession and the tenant's application.

Dated: January 20, 2014

Residential Tenancy Branch

