



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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

DECISION

Dispute Codes FF, MNSD, MNR, OPR

Introduction

This is an application for an Order of Possession based on the 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.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed March 27, 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 landlord entitled to an Order of Possession?

Is landlord entitled to a Monetary Order for outstanding rent and if so in what amount?

Background and Evidence

The applicant testified that:

- The tenant failed to pay the full March 2014 rent and therefore on March 10, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant failed to comply with that notice and has fallen even further behind on the rent and at this time there is a total of \$1237.50 in rent outstanding.

- They are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent and recovery of their filing fee.

Analysis

It's my finding that the landlords have shown that the tenant was served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice, and I therefore allow the request for an Order of Possession.

It is also my finding that the landlords have shown that as of today's date there is a total of \$1237.50 in rent outstanding and I therefore allow the 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 is enforceable two days after service on the tenant.

I have allowed the landlords full claim of \$1287.50 and I therefore order that the landlord may retain the full security deposit of \$412.50, and I've issued a Monetary Order in the amount of \$875.00.

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: May 07, 2014

Residential Tenancy Branch

