



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Denwood Holdings Ltd.  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      OPR, MNR, MNDC

### 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 \$8250.00

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on July 9, 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.

I therefore proceeded with the hearing in the absence of the respondent.

All testimony was taken under affirmation.

### Issue(s) to be Decided

Is the applicant entitled to an Order of Possession?

Is the applicant entitled to a monetary order, and if so in what amount?

### Background and Evidence

The applicant testified that:

- The respondent moved into the rental property without getting any permission to do so; however the respondent subsequently agreed to pay \$1000.00 per month rent.
- The respondent has lived in the rental unit since February 24, 2014 and has paid no rent whatsoever.
- The respondent has also been using the water in the rental unit and has not been paying the water utility bills.
- On June 20, 2014, a 10 day Notice to End Tenancy was sent to the respondent by registered mail.
- To date the respondent has failed to comply with that Notice to End Tenancy.

He is therefore requesting an Order of Possession for soon as possible and a reduced Monetary Order as follows:

Prorated February 2014 rent	\$133.33
April 2014 through September 2014 rent	\$7000.00
Outstanding water utility bills	\$90.54
Total	\$7223.87

### Analysis

It is my finding that the applicant has shown that there was a verbal tenancy agreement with the respondent, with a monthly rent of \$1000.00.

I also find that the respondent/tenant has failed to pay any rent for the full term of this tenancy, and I therefore allow the landlords request for outstanding rent totaling \$7133.33

Further since the tenant is living in the rental unit and using the water, it's my finding that the tenant is also liable for the outstanding water utility bills.

It is also my finding that the applicant has served the tenant with a valid 10 day Notice to End Tenancy and the tenant has failed to comply with that notice, and I therefore also allow the request for an Order of Possession

### Conclusion

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

I have issued a Monetary Order in the amount of \$7223.87.

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: September 08, 2014

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Residential Tenancy Branch

