



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding REMAX Little Oak Realty
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, OPR, MNSD

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 recovery of the \$50.00 filing fee. The applicant is also requesting an Order allowing them to keep the full security deposit towards this claim.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on July 18, 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 respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order, and if so in what amount?

Background and Evidence

This tenancy began on March 1, 2010 and the present rent is \$1035.00, due on first of each month.

The tenant fell behind on the rent and therefore on June 17, 2014 the landlord personally served the tenant with a 10 day Notice to End Tenancy for nonpayment of rent.

The tenant has not complied with the Notice to End Tenancy and has failed to pay any further rent.

The landlord is therefore requesting an Order of Possession for soon as possible and a Monetary Order for the outstanding rent totaling \$3960.00.

Analysis

It is my finding that the landlord has 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 landlord has shown that there is rent outstanding as follows:

June 2014 rent outstanding	\$855.00
July 2014 rent outstanding	\$1035.00
August 2014 rent outstanding	\$1035.00
September 2014 rent outstanding	\$1035.00
Total	\$3960.00

I therefore allow the landlords claim for that outstanding rent and 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 allowed the landlords full monetary claim of \$4010.00 and I therefore Order that the landlord may retain the full security deposit of \$500.00, and I have issued a Monetary Order in the amount of \$3510.00.

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: September 10, 2014

Residential Tenancy Branch

