



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

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 outstanding rent totaling \$8400.00. The applicant is also requesting recovery of the \$100.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on September 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, even if the recipient fails to claim the registered mail, and therefore it is my finding that the respondent is deemed to have been 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

Does the landlord have the right to an Order of Possession?

Has the landlord established a monetary claim against the tenant and if so in what amount?

Background and Evidence

The respondent/tenant moved into the rental unit on June 1, 2014 having agreed to pay a monthly rent of \$1400.00.

The respondent/tenant has not paid any rent whatsoever for the full term of the tenancy and therefore, as of today's date, there is a total of \$8400.00 and rent outstanding.

The tenant was personally served with a 10 day Notice to End Tenancy on September 3, 2014 and has failed to comply with that notice.

The applicant is therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent.

Analysis

I accept the landlord's sworn testimony that the tenant agreed to pay \$1400.00 rent for this rental unit, and has failed to pay any money whatsoever for the full six month term, and I therefore allow the request for a Monetary Order for that outstanding rent.

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

I further allow the request for recovery of the \$100.00 filing fee.

Conclusion

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

I have issued a Monetary Order in the amount of \$8500.00.

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: November 03, 2014

Residential Tenancy Branch

