



# 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, a request for a monetary order for outstanding rent, and a request for recovery of the \$50.00 filing fee.

The applicants agent testified that the respondent was served with notice of the hearing by registered mail that was mailed October 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 and I proceeded with the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

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

Has the applicant established a monetary claim against the respondent, and if so in what amount?

### Background and Evidence

The landlord's agent testified that:

- This tenancy began on March 1, 2013 with the monthly rent of \$700.00 and a security deposit of \$350.00 was collected.

- The tenant stopped paying the rent at the end of June 2014, and has paid no rent since.
- On October 8, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date the tenant has failed to comply with the Notice to End Tenancy, and has failed to pay any further rent.
- They are therefore requesting an Order of Possession for as soon as possible and a monetary order as follows:

July 2014 rent outstanding	\$700.00
August 2014 rent outstanding	\$700.00
September 2014 rent outstanding	\$700.00
October 2014 rent outstanding	\$700.00
November 2014 rent outstanding	\$700.00
December 2014 rent outstanding	\$700.00
Filing fee	\$50.00
Total	\$4250.00

The applicants are further requesting an order allowing them to keep the full security deposit of \$350.00 towards the claim and request that a monetary order be issued for the difference.

### Analysis

I have reviewed the evidence provided by the applicants and it is my finding that the applicants have shown that the tenant has failed to pay any rent for the months of July 2014 through December 2014 inclusive for a total of \$4200.00 and I therefore allow their request for a monetary order for that outstanding rent.

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

I further 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 allow the landlord's full monetary claim of \$4250.00 and I therefore order that the landlord's may retain the full security deposit of \$350.00, and I have issued a monetary order in the amount of \$3900.00.

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: December 02, 2014

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Residential Tenancy Branch

