



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

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

## **DECISION**

Dispute Codes      FF, MNR, MNSD, OPR

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary Order, and a request to retain the full security deposit towards the claim.

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with the notice of the hearing by Registered mail that was mailed on December 5, 2014; however the respondent did not join the conference call that was set up for the hearing.

Registered mail is deemed received 5 days after mailing and therefore it is my finding that the respondent has been properly served with notice of this hearing, and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

Does the applicant 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 applicant/landlord testified that:

- This tenancy began on August 1, 2014 with a monthly rent of \$700.00, and a security deposit of \$350.00 was paid on that date.
- The tenant failed to pay any rent in the month of November 2014, and therefore on November 17, 2014 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant has not moved out of the rental unit and has not paid any further rent and therefore as of today's date there is a total of \$2100.00 in rent outstanding.
- He is therefore requesting an Order of Possession for as soon as possible, and a monetary order for the outstanding rent.

Analysis

It is my finding that the landlord has shown that the rent for this rental unit is \$700.00 per month and that no rent has been paid for the months of November 2014, December

2014, and January 2015. I therefore allow the landlords request for a monetary order for the \$2100.00 outstanding rent.

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

I also allow the request for recovery of the \$50.00 filing fee.

### Conclusion

I have allowed the landlords full claim of \$2150.00 and I therefore Order that the landlord may retain the full security deposit of \$350.00 and I have issued a Monetary Order in the amount of \$1800.00.

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

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: January 07, 2015

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Residential Tenancy Branch

