



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Kendall Property Management
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNR, 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 \$925.78, and a request for recovery of the \$50.00 filing fee.

A substantial amount of documentary evidence, photo 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(s) were served with notice of the hearing by registered mail that was mailed on January 7, 2015 however the respondent(s) did not join the conference call that was set up for the hearing.

Documents sent by registered mail are deemed served five days after mailing and therefore I conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

- Is the applicant entitled to an Order of Possession?
- Has the applicant established a monetary claim against the respondent, and if so in what amount?

Background and Evidence

This tenancy began on May 15, 2013, and a security deposit of \$462.50 was paid on that same date.

The tenants failed to pay the December 2014 rent and therefore on December 12, 2014 a 10 day Notice to End Tenancy was served on the tenants by registered mail.

To date the tenants have failed to comply with that notice, and have failed to pay any further rent.

Therefore the total rent outstanding is as follows:

December 2014 rent outstanding	\$925.00
January 2015 rent outstanding	\$948.00
Total	\$1873.00

Rent for January is higher because the tenants were served with a notice of rent increase on September 23, 2014 increasing the rent as of January 1, 2015.

The landlords are asking for an Order of Possession and a Monetary Order for the outstanding rent plus the filing fee.

Analysis

It is my finding that the landlords have shown that there is a total of \$1873.00 in rent outstanding for the month of December 2014, and January 2015 and I therefore allow the landlords request for a Monetary Order pursuant to section 67 of the Residential Tenancy Act for that outstanding rent.

I also find that the landlords have served a valid ten-day Notice to End Tenancy and the tenant has failed to comply with that notice and therefore I also allow the request for an Order of Possession pursuant to sections 46 and 55 of the Residential Tenancy Act.

I also 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 respondents.

I have issued a Monetary Order in the amount of \$1923.00.

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: January 27, 2015

Residential Tenancy Branch

