



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MND, MNDC, MNR, OPR, OPN

Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, requesting a Monetary Order for outstanding rent, and requesting recovery of the \$100.00 filing fee.

The applicant's agent testified that the respondent(s) were served with notice of the hearing by registered mail that was mailed on February 19, 2016; however the respondent(s) 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(s) have been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issues are whether or not the landlord has the right to an Order of Possession and whether or not the landlord has established monetary claim against their tenants, and if so in what amount.

Background and Evidence

The applicant's agent testified that this tenancy began on May 1, 2015 with a monthly rent of \$2300.00 due on the first of each month.

The applicant's agent further testified that the tenant had fallen significantly behind on the rent and therefore on December 30, 2015 a 10 day Notice to End Tenancy was sent to the tenants by registered mail.

The applicant's agent further testified that the tenants have failed to comply with the ten-day Notice to End Tenancy and therefore they are requesting an Order of Possession for as soon as possible and a Monetary Order for outstanding rent as follows:

July 2015 rent outstanding	\$1200.00
August 2015 rent outstanding	\$2300.00
September 2015 rent outstanding	\$2300.00
October 2015 rent outstanding	\$2300.00
November 2015 rent outstanding	\$2300.00
December 2015 rent outstanding	\$2300.00
January 2016 rent outstanding	\$2300.00
February 2016 rent outstanding	\$2300.00
March 2016 rent outstanding	\$2300.00
April 2016 rent outstanding	\$2300.00
Total	\$21900.00

The applicants are also requesting recovery of their \$100.00 filing fee.

Analysis

It is my finding that the applicant's agent has shown that the tenants have fallen significantly behind in the rent and that, as of today's date, there is a total of \$21,900.00 in rent outstanding, and I therefore allow the applicants request for a Monetary Order for that outstanding rent.

I have allowed rent to the end of April 2016 because the tenants have failed to vacate the rental unit and continue to not pay any rent and therefore they should reasonably have anticipated that, more rent would be outstanding.

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

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

Conclusion

Pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order for the respondents to pay \$22,000.00 to the applicant.

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 tenants.

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: April 07, 2016

Residential Tenancy Branch

