



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, MNDC, MNR, MT, OPR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a \$2600.00 Monetary Order for outstanding rent, and a request for recovery of the \$100.00 filing fee.

The tenant's application is a request to cancel a Notice to End Tenancy that was given for nonpayment of rent, a request for a Monetary Order for \$4500.00, and a request for recovery of the \$100.00 filing fee.

Both files were to be heard together, however the tenant did not join the conference call that was scheduled for the hearing, and therefore the tenant's application will be dismissed in full.

A substantial amount of documentary evidence, photo evidence, and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the landlord the opportunity to give evidence orally.

The landlord's 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 the tenant, and if so in what amount.

Background and Evidence

The landlord testified that this tenancy began in October of 2015 with a monthly rent of \$1300.00 due on the first of each month.

The landlord further testified that the tenant failed to pay the March 2016 rent and therefore on March 5, 2016 a 10 day Notice to End Tenancy was served to an adult living in the rental unit.

The landlord further testified that the tenant has failed to comply with the ten-day Notice to End Tenancy, and has failed to pay any further rent.

The landlord therefore stated that she is requesting an Order of Possession for as soon as possible, and a Monetary Order for the outstanding rent plus her filing fee.

Analysis

It is my finding that the landlord has shown that the tenant failed to pay rent for both the months of March 2016, and April 2016 for a total of \$2600.00, and I therefore allow the landlords claim for that outstanding rent.

It is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy, and since the tenant has failed to comply with that notice, or pay the outstanding rent, I allow the landlords request for an Order of Possession.

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

Conclusion

Tenants Application

The tenant's application is dismissed in full without leave to reapply.

Landlords Application

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 tenant.

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 25, 2016

Residential Tenancy Branch