



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Penticton & District Society for Community Living  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      MNR, OPR

### Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and requesting a Monetary Order for outstanding rent and utilities.

The applicant(s) testified that the respondent was served with notice of the hearing by personal service on May 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 has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

Both participants were affirmed.

Issue(s) to be Decided

The issues are whether or not the applicants have established the right to an Order of Possession, and whether or not the applicants have established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicants testified that this tenancy began on April 1, 2015 with a monthly rent of \$529.00 due on the first of each month.

The applicants further testified that the tenant failed to pay the April 2016 rent, and \$562.40 in utilities, and therefore on April 12, 2016 the tenant was personally served with a 10 day Notice to End Tenancy.

The applicants further testified that as of today's date there is still one month's rent outstanding, and now there is a total of \$973.56 in utilities outstanding.

Any rent they have collected was collected for use and occupancy only.

The applicants are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for that outstanding rent.

Analysis

I have reviewed the evidence presented by the landlords and it is my finding that the landlords have shown that the tenant has failed to pay rent totaling \$529.00.

It is also my finding that the landlords have shown that as of today's date there is a total of \$973.56 in outstanding utilities.

It is also my finding that the landlords have served the tenant with a valid 10 day Notice to End Tenancy and the tenant has failed to comply with that notice.

I therefore allow the landlords request for an Order of Possession and for a Monetary Order for the outstanding rent and utilities.

### Conclusion

Pursuant to sections 46 & 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable two days after service on the tenant.

Pursuant to section 67 of the Residential Tenancy Act I have issued a Monetary Order in the amount of \$1502.56 for outstanding rent and utilities.

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: June 16, 2016

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Residential Tenancy Branch