



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, OPR

### 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, and requesting a monetary order for the outstanding rent.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on September 21, 2016; however the respondent 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.

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 there landlord has established monetary claim against the tenant, and if so in what amount.

### Background and Evidence

The applicant testified that this tenancy began on July 1, 2015 with a monthly rent of \$650.00.

The applicant further testified that the tenant stopped paying rent at the end of April 2016 and has paid no rent since and therefore, as of today's date, the following rent is outstanding:

May 2016 rent outstanding	\$650.00
June 2016 rent outstanding	\$650.00
July 2016 rent outstanding	\$650.00
August 2016 rent outstanding	\$650.00
September 2016 rent outstanding	\$650.00
October 2016 rent outstanding	\$650.00
November 2016 rent outstanding	\$650.00
Total	\$4550.00

The applicant further testified that a 10 day Notice to End Tenancy was served on the tenant by registered mail that was mailed on September 7, 2016, however the tenant has failed to comply with that notice, and the tenants belongings are still in the rental unit.

The landlord is therefore requesting an Order of Possession for as soon as possible and a monetary order for all the outstanding rent.

### Analysis

I accept the landlords claim that the tenant has failed to pay any rent for the months of May 2016 through November 2016 for a total of \$4550.00 and I therefore allow the landlords request for a monetary order for that full amount. I have allowed the full amount of rent outstanding to the end of November 2016, as the tenant has failed to vacate the rental unit and therefore he should reasonably have anticipated that more rent would be due.

It is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy, and the tenant has failed to comply with that notice within the time frame required, and I therefore also allow the landlords request for an Order of Possession.

### Conclusion

I have issued an Order of Possession pursuant to section 55 of the Residential Tenancy Act, which 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 \$4550.00.

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: November 14, 2016

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Residential Tenancy Branch