



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

The landlord applies for an order of possession pursuant to notice to end tenancy for unpaid rent or utilities and for a monetary award for unpaid rent.

The tenant did not attend the hearing within ten minutes after its scheduled start time. She has not filed material in opposition to the application.

Mr. B.M., the brother of and spokesman for the landlord testifies that he handed the application and notice of hearing to the tenant on November 3, 2016 in the presence of his brother, the landlord. On this evidence I find that the tenant was duly served.

Mr. B.M. testifies that at the time of the application the tenant owed \$225.00 for unpaid September 2016 rent, \$570.00 for unpaid October rent and \$1200.00 for November rent. Since then, in mid November, the tenant paid \$1630.00, leaving a balance owing of \$365.00. I accept this evidence and award the landlord \$365.00.

Mr. B.M. requested to amend the application to include a claim for unpaid December 2016 rent. In the absence of the tenant, I declined to permit that amendment. The landlord is free to re-apply for that rent.

I must decline to grant the landlord an order of possession at this hearing. He has failed to file a copy of the ten day Notice relied upon for that order and as required by Rule 2.5 of the Rules of Procedure. Without that document it cannot be determined that the Notice met the statutory requirements supporting an order of possession.

The landlord is free to re-apply for an order of possession and it was suggested he avail himself of the Direct Request process to facilitate it.

I grant the landlord recovery of the \$100.00 filing fee for this application.

In result the landlord is entitled to a monetary award totalling \$465.00. By agreement, I authorize him to retain the amount of \$465.00 form the \$600.00 security deposit he holds, in full satisfaction of the award.

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: December 16, 2016

Residential Tenancy Branch