



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

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

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on April 18, 2017; 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.

All testimony was taken under affirmation.

Issue(s) to be Decided

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

Background and Evidence

The applicant testified that this tenancy began on November 1, 2016 with a monthly rent of \$950.00, due on the first of each month.

The applicant testified that the tenant failed to pay one half of the February 2017 rent, and failed to pay any rent for the month of April 2017, and therefore on April 1, 2017 the tenant was personally served with a 10 day Notice to End Tenancy, and on April 4, 2017 he re-served the notice by registered mail.

The applicant testified that, the tenant has failed to comply with that notice, and has failed to pay any further rent, and therefore as of today's date there is a total of \$2375.00 in rent outstanding.

The applicant is therefore requesting an Order of Possession for as soon as possible, and a monetary order for the outstanding rent and recovery of his filing fee.

Analysis

I accept the landlord's undisputed testimony that the tenant has failed to pay rent as follows:

February 2017 rent outstanding	\$475.00
April 2017 rent outstanding	\$950.00
May 2017 rent outstanding	\$950.00
Total	\$2375.00

I therefore allow the landlords request for a monetary order for that outstanding rent.

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

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

Conclusion

Pursuant to sections 46 and 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 sections 67 and 72 of the Residential Tenancy Act I've issued a monetary order for the respondent to pay \$2475.00 to the applicant.

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: May 24, 2017

Residential Tenancy Branch