



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

Some documentary evidence and written arguments has been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by hand on June 29, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, and a request for a monetary order for \$5,000.00. The applicant is also requesting recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenant has been giving one excuse after another as to why the rent is not being paid, and keeps promising to make large payments however the rent is now over \$6,100.00 outstanding.
- He has been very lenient with the tenant, in hopes that she would eventually catch up on the rent however there is now just far too much rent outstanding to allow this tenancy to continue.

- He therefore served the tenant with a 10 day Notice to End Tenancy, and is requesting an Order of Possession based on that notice.
- He is also requesting a monetary order for \$5,000.00 and an order allowing him to keep the full security deposit towards the claim.

Analysis

It is my finding that the landlord has shown that the tenant has more than \$5,000.00 in rent outstanding, and that a 10 day Notice to End Tenancy was served on the tenant.

I therefore allow the landlords request for an Order of Possession, and the \$5,000.00 monetary claim

I also allow recovery of the filing fee.

Conclusion

I have issued an Order of Possession enforceable two days after service on the respondent.

I have allowed the full monetary claim of \$5,050.00, and therefore the landlord may retain the full security deposit of \$387.50 and I have issued a monetary order in the amount of \$4662.50.

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: July 25, 2011.

Residential Tenancy Branch