



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      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 applicant testified that the respondent was served with the notice of the hearing by registered mail that was mailed December 19, 2011; however the respondent 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 utilities, and a request for a monetary order for \$2478.97. The applicant is also requesting recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- The tenant had fallen behind in both her rent and her utilities, and as a result on December 5, 2011 she was served with a 10 day notice to end tenancy for non-payment of rent and utilities.

- The tenant has paid a portion of the outstanding rent, however there is still \$55.00 rent outstanding for January 2011.
- They already have an order from a dispute resolution officer for a portion of the outstanding utilities, however since that order was issued further outstanding utilities have accrued totalling \$353.88.

The applicants are therefore requesting an Order of Possession for January 31, 2012, and a monetary order as follows:

January 2012 rent outstanding	\$55.00
January 2012 late fee	\$25.00
Outstanding utilities	\$353.88
Filing fee	\$50.00
Total	\$483.88

The applicant further stated that if the tenant pays the full outstanding amount and is still able to pay February 2012 rent, they are willing to let the tenancy continue.

### Analysis

After reviewing the applicant's evidence it is my finding that the landlords have served the tenant with a valid 10 day Notice to End Tenancy, and the tenant has not complied with the notice or paid the full outstanding rent and utilities within the grace period and therefore the landlord has the right to an Order of Possession.

Is also my finding that the landlord has established the full amount claimed in the monetary portion of the claim, and therefore I also allow the landlords monetary claim.

I will not make any order regarding the security deposit however because the landlords may allow the tenancy to continue and therefore I will leave the security deposit in place at this time.

Conclusion

I have issued an Order of Possession to the landlords for 1 p.m. on January 31, 2012.

I have issued a monetary order in the amount of \$483.88.

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: January 09, 2012.

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Residential Tenancy Branch