



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

Dispute Codes: OPR MNR FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for unpaid rent. Both the landlord and the tenant participated in the conference call hearing.

During the hearing the tenant raised the issue that while she is the only tenant named on the tenancy agreement, she has a roommate who pays half of the rent. The landlord knows that there are two tenants each paying half the rent, yet the landlord only named the respondent tenant on the notice to end tenancy and in the application for dispute resolution. I informed the tenant that her roommate may be deemed to be a tenant even though she was not named in the tenancy agreement; however, each tenant is joint and severally liable for monies owed to the landlord. This means that a landlord may choose to pursue only one tenant for all of the monies owing, as the landlord has done in this case.

Issue(s) to be Decided

Should the landlord be granted an order of possession?

Is the landlord entitled to the monetary amount claimed?

Background and Evidence

The tenancy began on December 1, 2008. Rent in the amount of \$1375 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of March 2009 and on March 3, 2009 the landlord served the tenant with a notice to end

tenancy for non-payment of rent. The tenant did not pay any of the outstanding amount indicated on the notice to end tenancy.

Analysis

The tenant acknowledged that she was served with the notice to end tenancy for non-payment of rent. The tenant has not paid the outstanding rent and has not applied for dispute resolution to dispute the notice and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession, effective March 31, 2009.

As for the monetary order, I find that the landlord has established a claim for \$1375 in unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee for the cost of the application.

Conclusion

I grant the landlord an order of possession. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 67 for the balance due of \$1425. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated March 25, 2009.