



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPB and MNR

Introduction

This application was brought by the landlords on October 13, 2011 seeking an Order of Possession pursuant to a Notice to End Tenancy served by the tenant on October 12, 2011. By amendment of the application on November 3, 2011, the landlord also sought a Monetary Order for unpaid rent.

Despite having been served with the Notice of Hearing sent by registered mail to both the rental unit and an address provided by the tenant, the tenant did not call in to the number provided to enable her participation in the telephone conference call hearing.

Issue(s) to be Decided

This matter requires a decision on whether the landlord is entitled to an Order of Possession and a Monetary Order for the unpaid rent.

Background and Evidence

This tenancy, in a basement suite in the landlord's residence, began on February 15, 2011 as a co-tenancy with the respondent and her spouse. Rent is \$800 per month and is due on the 15th of the month..

During the hearing, the landlord gave evidence that after returning home from a trip, she learned that the female tenant had moved out of the rental unit. When she was able to contact her, she requested and on October 12, 2011, the female tenant provided a tenant's Notice to End Tenancy. The landlord stated that the male tenant had remained in the rental unit but now appears to have moved out. No rent was paid for the period from October 15, 2011 to November 15, 2011.

The landlord requests the Order of Possession ensure her right to regain lawful possession of the rental unit and a Monetary Order for the unpaid rent.

Analysis

As this was a co-tenancy, either party can give notice on behalf of both tenants, and the tenants are jointly and severally liable for any monetary obligations related to the tenancy.

Section 45 of the *Act* provides that a tenant may give notice to end a tenancy at least one month in advance and on a day preceding the rent due date and effective on the last day of a rental period. In the present matter, the notice given by the tenant on October 12, 2011 has an effective date of November 14, 2011.

Section 55(2)(a) of the *Act* authorizes the director's delegate to issue an Order of Possession to uphold a tenant's notice to end the tenancy. Accordingly, I find that the landlords are entitled to an Order of Possession effective at 1 p.m. on November 14, 2011.

I further find that the tenant owes the landlords \$800 for rent for the period from October 15 to November 14, 2011 and issue a Monetary Order for that amount.

Conclusion

The landlords' copy of this decision is accompanied by an Order of Possession, enforceable through the Supreme Court of British Columbia, to take effect at 1 p.m. on November 14, 2011.

The landlords are also issued with a Monetary Order for \$800.00, enforceable through the Provincial Court of British Columbia, for service on the tenant.

The landlords remain at liberty to make application for any further losses or damage as may be ascertain at the conclusion of the tenancy.

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: November 10, 2011.

Residential Tenancy Branch