



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPB, OPR, MNR

### Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

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 nonpayment of rent, and a request for a monetary order for \$2844.05.

### Background and Evidence

The applicant testified that:

- This tenancy began on September 1, 2012, however they allowed the tenant to move-in on August 14, 2012.
- The rent is \$1200.00 per month, and therefore for the months of September 2012, through December 2012 the tenant should have paid a total of \$4800.00.

- The tenant however has only paid \$2000.00 in rent, and has been credited \$100.00 for supplying a stove.
- The tenant has also failed to pay utility bills, they did not charge or any rent for moving an early in August 2012, however they did expect her to pay for the utilities.
- The tenant was served with a 10 day notice to end tenancy on September 26, 2012, however the tenant has failed to comply with that notice.

The applicants are therefore requesting an order of possession for as soon as possible and a monetary order as follows:

Total rent outstanding	\$2700.00
B.C. Hydro utility bill outstanding	\$142.59
August Fortis B.C. gas bill outstanding	\$27.03
September Fortis B.C. gas bill outstanding	\$43.16
October Fortis B.C. gas bill outstanding	\$131.27
Total	\$3044.05

The respondent testified that:

- She does owe \$2800.00 in back rent, however it's because her mail was being held by the post office in error, and as a result she did not receive numerous cheques in the mail.
- She also owes utilities, however she's not sure that she should be paying August 2012 utilities.
- The matter with the post office has now been sorted out and therefore she believes she will be able to pay the full outstanding amount by December 14, 2012 at the latest.

## Analysis

It is my finding that the landlord has shown that there is an extensive amount of rent and utilities outstanding at this time, and therefore the landlord does have the right to end this tenancy for nonpayment of rent and utilities.

Further although the tenant claims that the reason the rent is not been paid was due to an error with the post office, at this time the rent is still outstanding and the tenant is not clear as to whether or not the full amount can be paid.

I therefore will allow the landlords request for an order of possession, and for a monetary order as listed above. I will allow the full amount claimed for August 2012 gas utility as the tenant was allowed to move into the rental unit in the month of August.

#### Conclusion

I have issued an order of possession that is enforceable two days after service on the tenant.

I have issued a monetary order in the amount of \$3044.05.

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: December 03, 2012.

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Residential Tenancy Branch