



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR & FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondents although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the one month Notice to End Tenancy was personally served on the Tenants on March 4, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenants on March 17, 2014. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on August 1, 2013. The rent is \$1150 per month payable in advance on the first day of each month. The tenants are responsible to pay the hydro and gas. The tenants paid a security deposit of \$575 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of March and the sum of \$289.50 remains owing. The tenants also owe \$81.34 in arrears of hydro and gas and \$307.51 for hydro to the end of March.

The tenant(s) continue to live in the rental unit. .

Analysis

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The landlord served a one month Notice to end Tenancy on the Tenant(s) on March 4, 2014 and they have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit.

However, the end of tenancy date on the Notice is April 4, 2014. The Residential Tenancy Act provides that where a landlord wishes to end a tenancy on the basis of a one month Notice the landlord must give the tenant a clear month notice served prior to the start of the rental payment period to be effective at the end of the ensuing rental payment period. The act self-corrects a Notice that does not have a end of tenancy date that complies with the Act. Thus the Act was self correct the April 4, 2014 end of tenancy date to April 30, 2014.

Accordingly, I granted the landlord an Order for Possession effective April 30, 2014.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent for the month(s) of March and the sum of \$289.50. The tenants have not paid the rent for April and the landlord retains the right to file another Application for Dispute Resolution making that claim. In addition the

tenants also owe \$81.34 in arrears of hydro and gas and \$307.51 for hydro to the end of March.

I granted the landlord a monetary order in the sum of \$678.35 plus the sum of \$50 in respect of the filing fee for a total of \$728.35.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: April 02, 2014

Residential Tenancy Branch

