



# 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 both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. I ordered that the Application for Dispute Resolution be amended to include "Basement" to identify the rental unit.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on March 1, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on April 1, 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 tenancy agreement that provided that the tenancy would start in the summer of 2010. The rent is \$750 per month payable in advance before the end of the preceding month. The landlord holds a security deposit of \$187.

In March the tenant failed to pay the rent when due. At the end of April the tenant paid the arrears of rent and the rent to May 15, 2014. The landlord claims the sum of \$375 for non-payment of the balance of the rent for May. The tenant(s) have remained in the rental unit.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) 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 by that date. Accordingly, I granted the landlord an Order for Possession. **I set the effective date of the Order for Possession for May 31, 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 May and the sum of \$375 remains outstanding. **I granted the landlord a monetary order in the sum of \$375 plus the sum of \$50 in respect of the filing fee for a total of \$425.**

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.

The tenant alleged that he has been harassed by the landlord and that his enjoyment of the rental unit has been negatively affected by the conduct of the landlord. The tenant must file an Application for Dispute Resolution before those claims can be decided.

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: May 16, 2014

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Residential Tenancy Branch

