



Dispute Resolution Services

Page: 1

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 a representative 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 Notice to End Tenancy was sufficiently served on the Tenants by posting on April 3, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenants by mailing, by registered mail to where the tenants reside on April 26, 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 tenancy began approximately 3 years ago. The landlord took over the management of the rental property in 2012 and the tenants were residing in the rental unit at that time. The landlord does not have a written tenancy agreement. The rent is \$700 per month payable on the first day of each month. The landlord does not know whether the tenants paid a security deposit. The tenant(s) failed to pay the rent for the

months of April, May and June and the sum of \$1050 remains owing. The tenant(s) have remained in the rental unit although the female tenant gave written notice she was vacating. However, she has not returned the keys and the landlord has seen her in the rental property from time to time.

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 on 2 days notice.

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 April, May and June and the sum of \$1050 remains owing. **I granted the landlord a monetary order in the sum of \$1050 plus the sum of \$50 in respect of the filing fee for a total of \$1100.** The landlord also testified the tenants have allowed the hydro to be disconnected. They owe \$286 in arrears and there will be a reconnection charge of \$132. This will be charged back to the landlord if the tenants do not pay. I determined the claim is premature and accordingly that claim is dismissed. The landlord has the right to re-apply.

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: June 12, 2014

Residential Tenancy Branch

