



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 find that the Notice to End Tenancy was personally served on the Tenant on May 2, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the female tenant on June 5, 2014 and sufficiently served on the male tenant by mailing, by registered mail to where he resides on June 5, 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 April 1, 2007. The present rent is \$805 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$397.50 on March 30, 2007. The tenant(s) failed to pay the rent for the months of May (\$610 is owed), June (\$805 is owed) and July (\$805 is owed) and the sum of \$2220 remains owing. The tenant(s) have remained 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 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.

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 (\$610 is owed), June (\$805 is owed) and July (\$805 is owed) and the sum of \$2220 remains owing. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord a monetary order in the sum of \$2220 plus the sum of \$50 in respect of the filing fee for a total of \$2270.

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 represented that she could pay the full amount owing today. The parties agreed that if the tenant pays the full amount owed in the sum of \$2270 to the manager of the rental property by 3:00 p.m. on July 18, 2014 the landlord would reinstate the tenancy and would not enforce the Order for Possession and Monetary Order. If the tenant fails to make the full payment the landlord is at liberty to exercise her rights under the monetary order and Order for Possession.

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: July 18, 2014

Residential Tenancy Branch

