



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Connaught Management Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes CNC, OPB, OPC, MNR, FF

Introduction

This hearing dealt with an application by the tenant for an order setting aside a notice to end this tenancy and a cross-application by the landlord for an order of possession and a monetary order. Both parties participated in the conference call hearing.

At the hearing the tenant acknowledged that he had not served the landlord with a copy of his notice of hearing and application for dispute resolution. As the landlord had no notice of the claim against them, I dismiss the tenant's claim without leave to reapply.

Issues to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The facts are not in dispute. The tenant is obligated to pay \$291.00 per month. On June 12, the tenant was served with a one month notice to end tenancy for cause (the "Notice"). The Notice had an effective date of July 31, 2014. The landlord believed that the tenant was vacating the rental unit in accordance with the Notice and when the Ministry of Employment and Income Assistance (the "Ministry") sent rent for the month of August, the landlord returned the rent to the Ministry, advising that the tenancy had ended. The tenant did not vacate the rental unit and did not pay rent for the months of August and September. The landlord seeks an order of possession based on the Notice as well as recover of rent for August and September.

Analysis

I find that the tenant received the Notice on June 12, 2014. Although the tenant applied to dispute the Notice, he did not serve that dispute on the landlord and he did not file his

application until after the effective date of the Notice. Section 66(3) prevents me from extending the time to file a dispute beyond the effective date of the Notice so even if the tenant had served his application on the landlord, his claim would have failed. I find that the Notice was not disputed within the statutorily prescribed timeframe and I find that the landlord is entitled to an order of possession. This order must be served on the tenant and may be filed in the Supreme Court for enforcement.

As the parties agreed that the tenant occupied the unit in August and September and did not pay rent, I find that the landlord is entitled to recover \$291.00 for each of those months for occupational rent and I award them \$582.00. I further find that the landlord is entitled to recover the \$50.00 filing fee paid to bring this application and I award them \$50.00. I grant the landlord a monetary order under section 67 for \$632.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The tenant's claim is dismissed. The landlord is granted an order of possession and a monetary order for \$632.00.

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: October 10, 2014

Residential Tenancy Branch

