



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes DRI CNC CNR OPR OPC MNR MNDC FF

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession and a monetary order for unpaid rent. The tenant applied to dispute two notices to end tenancy as well as to dispute a rent increase. The landlord participated in the teleconference hearing, but the tenant did not call into the hearing.

As the tenant did not call into the hearing, her application was dismissed.

The landlord stated that on November 2, 2014 they personally served the tenant with their application for dispute resolution and notice of hearing. I accepted the landlord's evidence regarding service, and I proceeded with the landlord's application in the absence of the tenant.

Issue(s) to be Decided

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

Background and Evidence

The tenancy began on December 15, 2013, with monthly rent of \$550 payable in advance on the first day of each month. On June 12, 2014 the landlord gave the tenant written notice that effective August 1, 2014 her rent would increase from \$550 to \$600. The landlord stated that the tenant paid \$600 for August 2014 and \$600 for September 2014.

On September 15, 2014 the landlord served the tenant with a notice to end tenancy for cause.

The tenant only paid \$250 for October 2014 rent, and on October 8, 2014 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of November 2014. The landlord has claimed \$350 in unpaid rent for October 2014 and \$600 for November 2014.

Analysis

I have reviewed all evidence and I accept that the tenant was served with the notices to end tenancy as declared by the landlord. As the tenant's application to cancel the notices is dismissed, the landlord is entitled to an order of possession.

As for the monetary claim, I accept the landlord's evidence that the tenant only made a partial payment of \$250 for October 2014 and no payment for November 2014. However, the landlord did not properly increase the rent in accordance with the Act, and therefore the rent remains at \$550. The tenant overpaid her rent by \$50 in August and September 2014, so she is entitled to a credit of \$100, which I apply to her October 2014 rent. The landlord is therefore entitled to \$200 for October 2014 and \$550 for November 2014.

The landlord is also entitled to recovery of the \$50 filing fee for the cost of their application.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective two days from service. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I grant the landlord an order under section 67 for the balance due of \$800. This order may be filed in the Small Claims 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: November 28, 2014

Residential Tenancy Branch

