



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 10 day Notice to End Tenancy was sufficiently served on the Tenant by posting October 17, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the tenant by mailing by registered mail to where the tenant resides on November 19, 2014.

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 December 1, 2006. The rent was subsidized and was \$273 per month

payable on the first day of each month to and including November 2014. The landlord testified the rent has been increased to \$510 commencing December 1, 2014 and as the tenant's situation has changed. The tenant testified she has not received any notice of rent increase.

The landlord testified the tenant owes outstanding rent for July (\$219 is owed), August (\$273 is owed), September (\$273 is owed), October (\$273 is owed) and November (\$273 is owed) and the sum of \$1311 is outstanding. The Application for Dispute Resolution does not include a claim for December's rent. As a result I cannot consider that claim in this hearing. The tenant continues to live in the rental unit.

The tenant disputes the rent for December on the basis she has not received paperwork about a rent increase. She does not dispute the other claims. She testified she has gone through difficult times including the passing of a good friend. I advised the parties that the Residential Tenancy Act no longer provides an arbitrator with the authority to grant an extension of time to pay the rent. The parties are free to see whether they can work out their own settlement.

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 for the Order for Possession for December 31, 2014 rather than the normal 2 days after service.

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 July (\$219 is owed), August (\$273 is owed), September (\$273 is owed), October (\$273 is owed) and November (\$273 is owed) and the sum of \$1311 is outstanding. I granted the landlord a monetary order in the sum of \$1311 plus the sum of \$50 in respect of the filing fee for a total of \$1361.

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: December 16, 2014

Residential Tenancy Branch

