



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Decision

Dispute Codes: MNR, OPR, OPB, MNDC, FF

Introduction

This hearing dealt with an Application for Dispute Resolution by the landlord seeking an Order of Possession and monetary order based on the 10 Day Notice to End Tenancy for Unpaid Rent dated January 2, 2015 and an order of possession based on a 1 Month Notice to End Tenancy for Cause dated December 20, 2014. The landlord is also seeking a monetary order for unpaid utilities.

Both parties were present at the hearing. The hearing process was explained. The participants had an opportunity to submit documentary evidence prior to this hearing, and all evidence properly served has been reviewed. The parties were also permitted to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the relevant evidence and testimony provided.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession and monetary order?

Background and Evidence

The landlord submitted into evidence a copy of the 10-Day Notice to End Tenancy dated January 2, 2015, a copy of the 1 Month Notice to End Tenancy for Cause and details regarding their monetary claim. The tenancy began in January 2014 with rent of \$600.00 per month. The landlord testified that no security deposit was paid.

The landlord testified that the tenant fell into arrears for \$810.00 in 2014 and then also failed to pay the \$600.00 rent due on January 1, 2015 accruing total arrears of \$1,410.00 as reflected on the 10 Day Notice to End Tenancy for Unpaid Rent. The parties both testified that, after receiving the Notice on January 2, 2015, the tenant paid a portion of the arrears in the amount of \$600.00 on January 17, 2015.

The landlord testified that the tenant still owes \$810.00, plus \$154.00 in utilities and they are seeking a monetary order for \$964.00 and an order of possession.

The tenant did not dispute being in arrears for rent and utilities. The tenant testified that he is willing to pay the remainder of the arrears and utilities owing as soon as possible.

Analysis

Based on the testimony of the landlord, I find that the tenant was served with a Notice to End Tenancy for Unpaid Rent on January 2, 2015. I find that the tenant has not paid all of the outstanding rent or utilities and did not apply to dispute the Notice.

Under section 46(5) of the Act, the tenant is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts, I find that the landlord is entitled to an Order of Possession.

I find that the landlord has established a total monetary claim of \$1,014.00 comprised of \$810.00 in accrued rental arrears, \$154.00 for utilities and the \$50.00 fee paid by the landlord for this application. I hereby issue a monetary Order in favour of the landlord in the amount of \$1,014.00. This order must be served on the tenant and may be enforced through Small Claims Court if necessary.

I hereby issue an Order of Possession in favour of the landlord effective 2 days after service. This order must be served on the Respondent and may be filed in the Supreme Court and enforced as an order of that Court.

As the tenancy is ending based on the 10 Day Notice to End Tenancy for Unpaid Rent, I find it is not necessary for me to make a determination on the merits of the 1 Month Notice to End Tenancy for Cause.

Conclusion

The landlord is successful in the application and is awarded monetary compensation for the rent and utilities owed and an Order of 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: January 28, 2015

Residential Tenancy Branch

