



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding L - 4 VENTURES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes LANDLORD: OPC, MNR, FF
TENANT: CNC

Introduction

This hearing dealt with cross applications for Dispute Resolution filed by both the Landlord and the Tenants.

The Landlord filed seeking an Order of Possession, a monetary order for unpaid rent and to recover the filing fee for this proceeding.

The Tenant filed to obtain an order to cancel the Notice to End Tenancy.

Service of the hearing documents by the Landlord to the Tenants were done by personal delivery on December 12, 2014 in accordance with section 89 of the Act.

The Tenants did not attend the hearing. Consequently because of the absence of any evidence from the Tenants to support the application, the Tenants' application is dismissed without leave to reapply.

The conference call continued hearing only the Landlord's application.

Issues to be Decided

Landlord:

1. Is the Landlord entitled to end the tenancy?
2. Is there unpaid rent and if so how much?
3. Is the Landlord entitled to compensation for unpaid rent and if so how much?

Background and Evidence

This tenancy started on November 5, 2012 as a month to month tenancy. Rent is \$1,350.00 per month payable in advance of the 1st day of each month. The Landlord said the Tenants paid a security deposit of \$675.00 on October 24, 2012.

The Landlord said that the Tenants have not paid \$6,375.00 of rent since the start of the tenancy. The Landlord continued to say that he submitted a rent payment ledger to support his claim of \$6,375.00 of unpaid rent. The Landlord said he personally delivered a 1 Month Notice to End Tenancy for Cause dated December 3, 2014 on December 3, 2014. The Landlord said he delivered the Notice to End Tenancy with the RCMP as a witness. The Landlord continued to say the reasons on the Notice to End Tenancy for Cause are: repeatedly late with rent payments, additional unauthorized occupants in the unit, the Tenants have unreasonably disturbed other occupants or the Landlord, the Landlord's property is a significant risk of damage and the Tenants have pets now and the Tenants have not paid a pet deposit. The Landlord said he is requesting an Order of position for as soon as possible.

Analysis

Section 26 (1) of the Act says a tenant must pay rent when it is due under the tenancy agreement, whether or not the landlord complies with this Act, the regulations or the tenancy agreement, unless the tenant has a right under this Act to deduct all or a portion of the rent.

Policy guideline 38 says that if a tenant is late with the rent payment 3 times the landlord is justified in issuing a Notice to End the Tenancy for Cause.

I find that the Tenants have not paid the overdue rent and the Tenants have been late with the rent payment more than three times in the course of the tenancy. Consequently, I find the Landlord has established grounds to end the tenancy based on unpaid rent and late rent payments. I award the Landlord an Order of Possession with an effective vacancy date of January 31, 2015 and a monetary claim of \$6,375.00 for unpaid rent.

As the Landlord has been successful in this matter, he is also entitled to recover from the Tenant the \$100.00 filing fee for this proceeding. I order the Landlord pursuant to s. 38(4) and s. 72 of the Act to keep the Tenants' security deposit in partial payment of the rent arrears. The Landlord will receive a monetary order for the balance owing as following:

	Rent arrears:	\$6,375.00	
	Recover filing fee	\$ 100.00	
	Subtotal:		\$6,475.00
Less:	Security Deposit	\$675.00	
	Subtotal:		\$ 675.00
	Balance Owing		\$5,800.00

Conclusion

An Order of Possession effective at 1:00 p.m. on January 31, 2015 and a Monetary Order in the amount of \$5,800.00 have been issued to the Landlord. A copy of the Orders must be served on the Tenants: the Order of Possession may be enforced in the Supreme Court of British Columbia and the Monetary Order may be enforced in the Provincial (Small Claims) Court of British Columbia.

The Tenants' application is dismissed without leave to reapply.

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 13, 2015

Residential Tenancy Branch

