



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MDSD & 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 personally served on the Tenant on December 2, 2014. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on December 17, 2014 and the Amended Application for Dispute Resolution was personally served on the Tenant on January 2, 2015. With respect to each of the applicant's claims I find as follows:

### 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 tenancy began on September 1, 2007. The present rent is \$493.16 per month payable in advance on the first day of each month. The tenant did not pay a security deposit. The tenant continues to live in the rental unit.

The tenant failed to pay the rent for December 2014 and January 2015 and the sum of \$986.32 remains outstanding.

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. With the consent of both parties I set the effective date of the Order for Possession for January 31, 2015.

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 December 2014 and January 2015 and the sum of \$986.32 remains outstanding. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord a monetary order in the sum of \$986.32 plus the sum of \$50 in respect of the filing fee for a total of \$1036.32.

Settlement:

The tenant represented that he could pay the monetary order in the sum of \$1036.32 by January 30, 2015. The parties agreed that if the tenant paid the arrears as represented

above by 5:00 p.m. on January 30, 2015 the landlord would reinstate the tenancy and would not exercise her rights under the Order for Possession. However, if the tenant fails to pay the arrears in full the landlord would be at liberty to enforce the Order for Possession without further notice.

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: January 14, 2015

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Residential Tenancy Branch

