



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 a representative of the applicants and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was personally served on the Tenant on January 3, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenant on January 10, 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 parties entered into a written tenancy agreement that provided that the tenancy would start on April 15, 2014 and end on December 31, 2014. The tenant subsequently requested to extend the end of tenancy to March 31, 2015. The landlord agreed provided the rent was paid on time. However, the cheque for the rent for January was returned NSF.

The rent was originally set at \$1000 per month payable on the first day of each month. The tenant paid a security deposit of \$500 at the start of the tenancy. The parties agreed to a reduced rent of \$750 on the condition the tenant complete common maintenance tasks.

On January 3, 2015 the tenant owed the sum of \$1250 in outstanding rent (\$500 for December 2014 and \$750 for January 2015 for a total of \$1250). The tenant made a \$600 payment on January 9, 2015 and a \$600 payment on January 26, 2015 leaving a balance owing of \$50. The tenant continues to have possession of the rental unit.

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 on 2 days notice.

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 January 2015 and the sum of \$50 remains outstanding. I determined the landlord is also entitled to \$7 for the cost of a bank fee which the landlord had to pay because of the NSF charge. **I granted the landlord a monetary order in the sum of \$57 plus the sum of \$50 in respect of the filing fee for a total of \$107.**

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 28, 2015

Residential Tenancy Branch

