



Dispute Resolution Services

Page: 1

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 Notice to End Tenancy was personally served on the Tenants on February 3, 2015.. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the tenants on February 26, 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 an oral tenancy agreement that provided that the tenancy would start on July 5, 2014. The landlord testified the rent was \$1025 per month payable in advance on the first day of each month. The tenant testified the rent is

\$1000 per month payable in advance on the first day of each month. The tenants did not pay a security deposit.

There was a dispute as to how much rent is owed. The landlord testified the tenant owes \$4375 in outstanding rent. The tenant disputes this amount. She testified the landlord has wrongly applied rent paid by another resident to another property. She further testified the male tenant has receipts showing the payment of rent. However, he was recently attacked and is in hospital and she was not able to get the receipts from him. The parties settled this dispute agreeing that the sum of \$2250 is outstanding to the end of March 2015. The tenant(s) have remained in 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. The parties agreed that I should set the end of tenancy date for March 31, 2015. Accordingly, I granted the landlord an Order for Possession effective March 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 tenants have failed to pay the rent and the parties have agreed the sum of \$2250 remains outstanding to the end of March 2015. 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 \$2250 plus the sum of \$50 in respect of the filing fee for a total of \$2300.

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: March 24, 2015

Residential Tenancy Branch

