



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

This is a request for an Order of Possession based on Notice to End Tenancy for nonpayment of rent, and a request from monetary order for outstanding rent totaling \$4000.00.

The applicant testified that the respondent was served with notice of the hearing by personal service on March 11, 2015; however the respondent did not join the conference call that was set up for the hearing.

The applicant has provided proof of service signed by the respondent, therefore it is my finding that the respondent has been properly served with notice of the hearing, and I proceeded with the hearing in the respondent's absence

All testimony was taken under affirmation.

Issue(s) to be Decided

The issues are whether or not the landlord is entitled to an Order of Possession, and whether or not the landlord has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that:

- The respondent was originally a roommate of his previous tenants, however when the previous tenants vacated the rental unit the respondent stated that he would like to stay in the rental unit but he could not afford the rent that was being paid by the previous tenants.
- Although no written tenancy agreement was made, he came to a verbal agreement with the respondent for a tenancy beginning January 1, 2015, at a monthly rent of \$1000.00.
- When January 2015 came around the respondent failed to pay the rent but always had an excuse as to why he hadn't, and kept promising to pay.

- Unfortunately the respondent has not paid any rent by March 2015, and therefore on March 2, 2015 he decided to serve a Notice to End Tenancy to the tenant.
- The tenant has failed to comply with that 10 day Notice to End Tenancy, and has failed to pay any rent whatsoever.
- He is therefore requesting an Order of Possession for as soon as possible and a monetary order for the outstanding rent totaling \$4000.00.

Analysis

I accept the landlord's sworn testimony that the respondent verbally agreed to rent the dispute premises at a rent of \$1000.00 per month starting January 1, 2015.

It is my finding that the landlord has shown that the tenant failed to pay any rent for the full term of this tenancy.

It is also my finding that the landlord has shown that the tenant has been served with a valid 10 day Notice to End Tenancy and has failed to dispute that notice or comply with that notice.

Therefore since the tenant has failed to dispute the notice, pursuant to Section 46 of the Residential Tenancy Residential Tenancy Act, the tenant is deemed to have accepted the end of the tenancy, and I therefore allow the request for an Order of Possession.

Further I also allow the request for an order for the full outstanding rent totaling \$4000.00.

Conclusion

I have issued an Order of Possession pursuant to Section 55 of the Residential Tenancy Act, which is enforceable two days after service on the tenant.

I have issued a monetary order pursuant to Section 67 of the Residential Tenancy Act, for the full \$4000.00 in outstanding rent.

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: April 13, 2015

Residential Tenancy Branch

