



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order. Although served with the Application for Dispute Resolution and Notice of Hearing by registered mail actually received on April 1, 2015, the tenant did not appear.

Issue(s) to be Decided

- Is the landlord entitled to an order of possession and, if so, on what terms?
- Is the landlord entitled to a monetary order and, if so, in what amount?

Background and Evidence

The landlord assumed responsibility for this tenancy in April of 2013. At that time the tenant was living in the rental unit and paying a monthly rent that was geared to her income. A security deposit was not collected from the tenant at the start of the tenancy.

The rental unit is not located on First Nations land.

In letter dated August 31, 2013 the tenant was advised that effective March 1, 2014, the rental unit would no longer be eligible for rent subsidy and that rent at the market rate of \$825.00 per month would be charged. In a second letter dated January 24, 2014, the tenant was again advised that effective March 1, 2014, the monthly rent was be \$825.00, due on the first day of the month.

The tenant did not pay the new rate and on November 6, 2014, the landlord issued a 10 Day Notice to End Tenancy for Non-Payment of Rent claiming arrears of rent in the amount of \$3737.00. The notice was sent by ordinary mail.

Between November 12, 2014 and May 1, 2015 the tenant made eight payments towards the rent in a total amount of \$2975.00. For each payment the tenant was given a receipt that stated it was being accepted for use and occupancy only. The landlord testified that as of the date of the hearing the arrears of rent were \$5712.00.

Analysis

Based on the testimony of the landlord I find that the tenant was served with a 10 Day Notice to End tenancy for Non-Payment of Rent. The tenant did not pay the outstanding rent or file an application disputing the notice within the required time and is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession effective two days after service on the tenant.

I find that the landlord has established a total monetary claim of \$5812.00 comprised of arrears of rent in the amount of \$5712.00 and the \$100.00 fee paid by the landlord for this application. Pursuant to section 67 I grant the landlord a monetary order in this amount.

Conclusion

- a. An order of possession has been granted to the landlord. If necessary, this order may be filed in the Supreme Court and enforced as an order of that court.
- b. A monetary order has been granted to the landlord. If necessary, this order may be filed in the Small Claims 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: May 05, 2015

Residential Tenancy Branch

