



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, MNR, OPR

### Introduction

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$2100.00 in outstanding rent, and a request for recovery of the \$50.00 filing fee.

I gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

### Issue(s) to be Decided

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

### Background and Evidence

This rental unit was previously rented to an elderly gentleman who passed away just before the landlords were to leave on a holiday.

The landlords gave the keys to the rental unit to the elderly gentleman's caregiver to allow the caregiver to remove the elderly gentleman's belongings and clean the rental unit.

Instead of removing the belongings and cleaning the rental unit, the elderly gentleman's caregiver rented the unit to the respondent without any authority to do so.

The applicant/landlords subsequently returned and found the respondent living in the rental unit.

When the applicant/landlords confronted the respondent, the respondent informed them that the unit had been rented to her by the elderly gentleman's caregiver.

When the applicant/landlords informed the respondent that the elderly gentleman's caregiver at no authority to rent the unit, the respondent asked if she could stay at least until the end of March 2015 and agreed to pay rent of \$700.00 per month.

The applicant/landlords agreed to allow the respondent to stay at \$700.00 per month, however that rent was never forthcoming and although the respondent had stated she would move out at the end of March 2015, she never did and is still in the rental unit.

When I asked the respondent why she had not paid the agreed-upon rent, the respondent stated she had fallen on hard times and was unable to pay the rent.

The applicants are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for rent for the months of March 2015, April 2015, and May 2015 totaling \$2100.00.

### Analysis

It would appear that this rental unit was initially rented to the respondent illegally by person who had no authority to do so and I would suggest that the respondent may want to report this incident to the police.

Subsequently however the respondent verbally agreed to pay rent of \$700.00 per month to the landlords to be allowed to stay in the rental unit; however the respondent has failed to pay that rent. I therefore allow the landlords claim for outstanding rent totaling \$2100.00.

The respondent has admitted to receiving a 10 day Notice to End Tenancy on April 29, 2015 and has failed to comply with that notice, or to pay any rent, and therefore it's my finding that the landlord has the right to an Order of Possession.

I also allow the request for recovery of the \$50.00 filing fee.

### Conclusion

I have issued an Order of Possession that is enforceable two days after service on the respondent.

I have issued a Monetary Order in the amount of \$2150.00.

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 26, 2015

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Residential Tenancy Branch

