



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MDSD & FF

Introduction

A hearing was conducted by conference call in the presence of the applicant and in the absence of the respondents 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 Tenants on March 16, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenants on April 4, 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 tenants moved into the rental unit on December 15, 2014. The parties subsequently entered into a fixed term written tenancy agreement that provided that the tenancy would start on January 1, 2015 and end on June 15, 2015 and become month to month after that. The rent is \$2000 per month payable on the first day of each month. The tenant paid a security deposit of \$800 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of January, February, March and April and the sum of \$8000 remains owing. 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. **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 months of January, February, March and April and the sum of \$8000 remains owing. The landlord purported to file an Amendment to claim rent for May 2015. However, she failed to file the Amendment within the time period provided by the Rules and I determined it was inappropriate to consider the amended claim. The landlord has the right to file a further application to claim the non-payment of rent for May. **I granted the landlord a monetary order in the sum of \$8000 plus the sum of \$100 in respect of the filing fee for a total of \$8100.**

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: May 13, 2015

Residential Tenancy Branch

