



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 deemed delivered on April 21, 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

This month-to-month tenancy commenced November 15, 2012. There was a written tenancy agreement. The monthly rent of \$2800.00 is due on the first day of the month. The tenant did not pay a security deposit or a pet damage deposit.

On April 1, 2015 the landlord issued and posted a 10 Day Notice to End Tenancy for Non-Payment of Rent or Utilities. The tenant did not serve the landlord with an application disputing the notice or pay the arrears of rent for March. The tenant has not paid the rent for April and May either.

The rent did not include utilities. The BC Hydro and Fortis BC accounts remained in the name of the landlord. The landlord filed copies of the invoices from both companies since the start of the tenancy. These show that the landlord paid both accounts promptly. They also show that as of March 10, 2015 he has paid \$7904.04 to Fortis BC and as of February 11, 2015, he has paid \$3066.13 to BC Hydro. The landlord testified that the tenant has never paid anything towards utilities, despite requests for him to do so.

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 has not paid the outstanding rent and did not file an application to dispute the notice 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 \$12, 093.17 comprised of arrears of rent for March in the amount of \$1023.00; unpaid utilities in the amount of \$10,970.17; and the \$100.00 fee paid by the landlord for this application and pursuant to section 67 I grant him a monetary order in that amount.

The landlord did not claim the April and May rent on this application for dispute resolution so I cannot grant him a monetary for those items on this application. The landlord may issue and serve a new application for dispute resolution claiming any rent that is unpaid from April 1 onwards, gas bills incurred after March 10, 2015; hydro bills incurred after February 11, 2015; the costs of eviction if any; as well as the costs of cleaning and repairs, if any.

Conclusion

- a. An order of possession effective two days after service has been granted to the landlord. If necessary, this order may be filed in the Supreme Court of British Columbia and enforced as an order of that court.
- b. A monetary order in the amount of \$12, 093.17 has been granted to the landlord. If necessary, this order may be filed in 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: June 08, 2015

Residential Tenancy Branch

