



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR & FF

Introduction

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was sufficiently served on the Tenant on June 3, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served by mailing, by registered mail to where the tenant resides on June 18, 2015. The tenant failed to pick up her registered mail. The landlord had the Application for Dispute Resolution/Notice of Hearing personally served on the tenant on July 17, 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 parties entered into a written tenancy agreement that provided that the tenancy would start on September 1, 2010. The present rent is \$500 per month payable in advance on the first day of each month. The landlord did not require a security deposit. The tenant(s) failed to pay the rent for the months of April (\$306.34 is owed), May (\$500 is owed), June (\$500 is owed), July (\$500 is owed) and August (\$500 is owed) and the sum of \$2306.34 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. The tenant testified her parents will lend her the money and she can pay the arrears today. She also testified she has had her boyfriend removed. There is no rental accommodation in her community and if she is forced to leave she will be on the streets. The Residential Tenancy Act no longer gives an arbitrator the authority to grant an extension of time to pay the rent. The landlord stated they were not willing to reinstate the tenancy even if the tenant brought the tenancy into good standing. **Accordingly, I granted the landlord an Order for Possession effective September 11, 2015 (the date requested by the landlord).**

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 April (\$306.34 is owed), May (\$500 is owed), June (\$500 is owed), July (\$500 is owed) and August (\$500

is owed) and the sum of \$2306.34 remains owing. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. **I granted the landlord a monetary order in the sum of \$2306.34 plus the sum of \$50 in respect of the filing fee for a total of \$2356.34.**

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: August 17, 2015

Residential Tenancy Branch

