



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 was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67;
3. An Order to recover the filing fee for this application - Section 72.

Both parties attended the hearing and were given opportunity to present relevant evidence and testimony in respect to the claim and to make relevant prior submission to the hearing and fully participate in the conference call hearing. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present. The tenant advised they are still residing in the unit.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began in April 2013. Rent in the amount of \$850.00 is payable in advance on the first day of each month. The tenant failed to pay all rent in the month of May 2015 and on May 27, 2015 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant continued to make partial payments throughout May, June and July 2015, which the landlord accepted for use and occupancy only. The landlord provided a rent ledger document outlining that as of July 17, 2015 the tenant owed arrears of \$850.00. The parties agree that since, the landlord has

accepted partial rent for August 2015 of \$300.00 and \$500.00 for September 2015 and that October 2015 rent has yet not been satisfied. The parties agree that as of the date of this hearing the tenant owes the landlord \$2600.00, inclusive of October 2015 rent.

The landlord seeks a Monetary Order in the amount of arrears and an Order of Possession.

Analysis

Based on the landlord's evidence and the testimony of the parties I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent which now is in the sum of \$2600.00 and has not applied for Dispute Resolution 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**.

I find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the \$50 filing fee.

Calculation for Monetary Order

| | |
|--|------------------|
| Rental Arrears to October 06, 2015 | \$2600.00 |
| Filing fees for the cost of this application | 50.00 |
| Total Monetary Award to landlord | \$2650.00 |

Any amount of rent paid subsequent to the date of the hearing and the Monetary Order must be applied to, and deducted from, the amount of the Monetary Order.

The tenancy security deposit must be administered in accordance with the Act at the end of the tenancy.

Conclusion

I grant an Order of Possession to the landlord **effective 2 days** from the day it is served on the tenant. The tenant must be served with this **Order of Possession**. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I grant the landlord an Order under Section 67 of the Act for the amount of **\$2650.00**.
If necessary, this Order may be filed in the Small Claims Court and enforced as an
Order of that Court.

This Decision is final and binding on both parties.

*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: October 06, 2015

Residential Tenancy Branch

