



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, CNR, PSF, RP, OPR, MNR, FF

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent and for cause
- b. A monetary order for unpaid rent
- c. An order to recover the cost of the filing fee

The Application for Dispute Resolution filed by the Tenant makes the following claims:

- a. An order cancelling the one month Notice to End Tenancy dated October 10, 2015.
- b. An order to cancel the 10 day Notice to End Tenancy dated November 9, 2015. August 6, 2015
- c. An order that the landlord make repairs.
- d. An order that the landlord provide services or facilities required by law
- e. An order that the tenant recover the cost of the filing fee

A hearing was conducted by conference call in the presence of the landlord and in the absence of the Tenant who failed to appear at the scheduled time for the hearing. The telephone line conference line remained open and the phone system was monitored for ten minutes. The tenant failed to appear. I then continued with the hearing in the absence of the Tenant. 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 one month Notice to End Tenancy was personally served on the Tenant on October 10, 2015. I find that the 10 day Notice to End Tenancy was personally served on the tenant on November 9. I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was personally served on the tenant on November 17, 2015. I find that the Amendment to the Landlord's Application for Dispute Resolution was personally served on the Tenant on November 30, 2015. I dismissed the claim against RM as the landlord failed to prove she was served or is a tenant.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenant is entitled to an order cancelling the one month Notice to End Tenancy dated October 10, 2015?
- b. Whether the tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated November 9, 2015?
- c. Whether the tenant is entitled to recover the cost of the filing fee?
- d. Whether the landlord is entitled to an Order for Possession?
- e. Whether the landlord is entitled to A Monetary Order and if so how much?
- f. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into tenancy agreement that provided that the tenancy would start on February 10, 2015. The rent is \$575 per month payable in advance on the 10th day of each month. The tenant paid a security deposit of \$220 at the start of the tenancy.

The tenant(s) failed to pay the rent as follows:

- \$75 for the period June 10, 2015 to July 9, 2015
- \$575 for the period July 10, 2015 to August 9, 2015
- \$575 for the period August 10, 2015 to September 9, 2015
- \$575 for the period September 10, 2015 to October 9, 2015
- \$575 for the period October 10, 2015 to November 9, 2015
- \$575 for the period November 10, 2015 to December 9, 2015.

The tenant owes the sum of \$2950 in outstanding rent to December 9, 2015.

The tenant(s) continues to reside in the rental unit.

Tenant's Application:

The tenant failed to appear at the hearing. As a result I order that the tenant's application be dismissed without liberty to re-apply.

Order for Possession:

The Residential Tenancy Act provides that where a landlord has made an oral request for an Order for Possession at a hearing where an arbitrator has dismissed a tenant's application to set aside a Notice to End Tenancy, the arbitrator must grant an Order for

Possession. The landlord made this request at the hearing. As a result I granted the landlord an Order for Possession.

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.

Landlord's Application

The landlord is entitled to an Order for Possession based on the reasons set out above. In addition the landlord is entitled to an Order for Possession for the following reasons. There is outstanding rent. The Tenant's application has been dismissed. I determined the one month Notice to End Tenancy and the 10 day Notice to End Tenancy are valid Notices. 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:

The rental payment period starts on the 10th day of each month. I determined the tenant has failed to pay the rent for period June 10, 2015 to December 9, 2015 as follows:

- \$75 for the period June 10, 2015 to July 9, 2015
- \$575 for the period July 10, 2015 to August 9, 2015
- \$575 for the period August 10, 2015 to September 9, 2015
- \$575 for the period September 10, 2015 to October 9, 2015
- \$575 for the period October 10, 2015 to November 9, 2015
- \$575 for the period November 10, 2015 to December 9, 2015.

I granted the landlord a monetary order in the sum of \$2950 plus the sum of \$50 in respect of the filing fee for a total of \$3000.

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.

Conclusion:

In summary I ordered that tenant's application be dismissed without liberty to re-apply. I granted the landlord an Order for Possession effective on 2 days notice. I ordered that the tenant pay to the landlord sum of \$3000.

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: December 18, 2015

Residential Tenancy Branch

