



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, FF, LRE, OLC, RP, RR, MNR, OPR

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord. Both files were to be heard together, however the tenant did not join the conference call that was scheduled for the hearing and therefore the tenant's application has been dismissed, and I conducted a hearing on the landlords application in the tenants absence.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent/utilities, and a request for a Monetary Order for outstanding rent, utilities, and recovery of the filing fee.

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all relevant submissions.

I also gave the landlord the opportunity to give evidence orally.

The landlord's testimony was taken under affirmation.

Issue(s) to be Decided

The issues are:

- Whether or not the landlord has established the right to an Order of Possession.
- Whether or not the landlords have established monetary claim against the respondent and if so in what amount.

Background and Evidence

The landlord testified that this tenancy began on November 1, 2014 with a monthly rent of \$600.00 due on the first of each month.

The landlord further testified that the tenant accumulated an ever increasing amount of outstanding rent and utilities and therefore on November 3, 2015 the tenant was personally served with a 10 day Notice to End Tenancy for nonpayment of rent.

The landlord further testified that, since receiving the notice, the tenant has paid no further rent or utilities and therefore as of today's date the total amount of rent and utilities outstanding is as follows.

June 2015 rent outstanding	\$400.00
July 2015 rent outstanding	\$200.00
August 2015 rent outstanding	\$300.00
September 2015 rent outstanding	\$300.00
October 2015 rent outstanding	\$600.00
November 2015 rent outstanding	\$600.00
December 2015 rent outstanding	\$600.00
January 2016 rent outstanding	\$600.00
April 2015 utilities outstanding	\$238.74
June 2015 utilities outstanding	\$75.97
September 2015 utilities outstanding	\$104.79
October 2015 utilities outstanding	\$136.95
December 2015 utilities outstanding	\$503.34
Total	\$4659.79

The landlord is therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for this outstanding rent/utilities, and recovery of the \$50.00 filing fee.

Analysis

It is my finding that the landlord has shown that the tenant has been served with a valid 10 day Notice to End Tenancy, and that, as of today's date, there is a total of \$3600.00 in rent outstanding, and a total of \$1059.79 in utilities outstanding, and therefore I allow the landlords request for an Order of Possession based on that ten-day notice.

I also allow the full Monetary Order requested by the landlord, because even though the December utilities bill was not on the original application, the tenants could reasonably

have anticipated that another utility Bill would be outstanding before the date of the scheduled hearing.

Conclusion

Tenants application

As stated above the tenants application has been dismissed in full without leave to reapply.

Landlords application

Pursuant to section 55 of the Residential Tenancy Act, I have issued an Order of Possession that is enforceable two days after service on the tenant.

Pursuant to section 67 of the Residential Tenancy Act, I have issued a Monetary Order for the tenant to pay \$4709.79 to the landlord.

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: January 12, 2016

Residential Tenancy Branch

