



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes 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
- b. A monetary order for unpaid rent
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondents although duly served. 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 Notice to End Tenancy was served on the Tenants by mailing, by regular mail on December 8, 2015. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on the Tenants on January 6, 2016 and also served by mailing, by registered mail to where the Tenants reside on January 6, 2016. 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 July 31, 2014. The present rent is \$837 per month in advance on the first day of each month. The tenants did not pay a security deposit.

The tenant(s) failed to pay the rent for the months of September 2015 (\$237 is owed), October 2015 (\$837 is owed), November 2015 (\$837 is owed), December 2015 (\$837 is owed), January 2016 (\$837 is owed) and February 2016 (\$837 is owed) and the sum of \$4422 remains owing. The tenant(s) continue to reside 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. Accordingly, I granted the landlord an Order for Possession. I set the effective date of the Order for Possession for February 29, 2016.

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 September 2015 (\$237 is owed), October 2015 (\$837 is owed), November 2015 (\$837 is owed), December 2015 (\$837 is owed), January 2016 (\$837 is owed) and February 2016 (\$837 is owed) and the sum of \$4422 remains owing. I granted the landlord a monetary order in the sum of \$4422 plus the sum of \$50 in respect of the filing fee for a total of \$4472.

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: February 18, 2016

Residential Tenancy Branch

