



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR

### Introduction

This Review Hearing was convened to hear 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 retain the security deposit - Section 38; and
4. An Order to recover the filing fee for this application - Section 72.

The Review Consideration Decision, dated February 26, 2016 and based on the Tenant’s successful application for the review suspended the original Decision, dated February 15, 2016 and ordered the Tenant to serve the Landlord with the Notice of the Review Hearing. The Landlord was not served with this Notice and was informed of the date and time by the Residential Tenancy Branch. The Tenant did not participate in the conference call hearing. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

### Issue(s) to be Decided

Is the Landlord entitled to an order of possession and unpaid rent?

### Background and Evidence

The tenancy started on June 11, 2014. Rent of \$800.00 is payable on the first day of each month. The Tenant failed to pay rent for January 2016 and on January 29, 2016 the Landlord served the Tenant with a 10 day notice to end tenancy for unpaid rent (the

“Notice”). The Tenant did not dispute the Notice, did not pay the outstanding rent and did not move out of the unit. The Tenant did not attend the hearing however the Tenant has not moved out of the unit. During the tenancy the Landlord attended the unit each month to pick up the rent. After serving the Notice, the Landlord texted the Tenant several times to arrange for pickup of both the outstanding rents and the rents that have since come due. The Tenant has not paid any further rents. The Tenant has had the Landlord’s mailing address since being served with the Landlord’s application for dispute resolution on February 11, 2016. The Landlord claims unpaid rent and an order of possession.

### Analysis

Section 55 of the Act provides that a landlord may request an order of possession of a rental unit by making an application for dispute resolution where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the Notice by making an application for dispute resolution and the time for making that application has expired. Based on the Landlord’s evidence I find that the Tenant was given a valid Notice. The Tenant has not filed an application to dispute the Notice, has not paid the outstanding rent or rents coming due, has not moved out of the unit and has not attended this hearing to provide any evidence to contradict the Landlord. Given these facts, I find that the Landlord is entitled to an **Order of Possession**. I also find that the Landlord has established a monetary claim for **\$3,200.00** in unpaid rent for the months January to April 2016 inclusive.

Conclusion

I **grant** an Order of Possession to the Landlord. 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 **\$3,200.00**. If necessary, this order may be filed in the Small Claims 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: April 20, 2016

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Residential Tenancy Branch