



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OLC, RR, MNR, MNDC, OPR, MNR, MNDC, FF

Introduction

This hearing was convened in response to an application by the Tenant and an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”).

The Tenant applied on March 14, 2016 for:

1. An Order cancelling a notice to end tenancy - Section 46;
2. An Order compelling the Landlord to comply with the Act - Section 62;
3. An Order allowing the Tenant to reduce rent for services/facilities agreed upon but not provided – Section 65;
4. A Monetary Order for compensation for the cost of emergency repairs - Section 67;
5. A Monetary Order for compensation ; and
6. An Order to recover the filing fee for this application - Section 72.

The Landlord applied on March 16, 2016 for:

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

The hearing commenced as scheduled at 9:00 a.m. and concluded at 9:10 a.m. The Tenant did not participate. The Landlord was present and ready to both respond to the Tenant’s application and to pursue its own application. As the Tenant did not appear to pursue its application, the application is dismissed. The Landlord served the Tenant

with the Landlord's application for dispute resolution in person on March 19, 2015 in accordance with Section 898 of the Act. 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?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on April 9, 2014. Rent of \$1,500.00 is payable in advance on the first day of each month. At the outset of the tenancy, the Landlord collected \$750.00 as a security deposit from the Tenant. The Tenant owed arrears of \$3,000.00 for unpaid July and August 2014 rent and failed to pay rent for March 2016. On March 9, 2016 the Landlord personally served the Tenant with a 10 day notice to end tenancy for unpaid rent (the "Notice"). The Tenant has not made an application for dispute resolution, has not paid the arrears, has not moved out of the unit and has not paid rent for April 2016. The Landlord claims \$6,000.00.

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 and has not paid the outstanding rent. 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 **\$6,000.00** in unpaid rent. The Landlord is entitled to recovery of the \$100.00 filing fee

for a total monetary amount of **\$6,100.00**. Setting the security deposit of \$750.00 plus zero interest off the entitlement leaves **\$5,350.00** owed by the Tenant to the Landlord.

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 order that the Landlord retain the **deposit** and interest of \$750.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$5,350.00**. 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 27, 2016

Residential Tenancy Branch