



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNC, MNDC, O, OPC

Introduction

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

- a. An order to cancel the one month Notice to End Tenancy dated March 10, 2016
- b. A monetary order in the sum of \$5000.

The Application for Dispute Resolution filed by the landlord claims an Order for Possession pursuant to a one month Notice to End Tenancy for repeated late payment of rent..

A hearing was conducted by conference call in the presence of representatives of the landlord and in the absence of the Tenants 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 one month Notice to End Tenancy was personally served on the Tenants on March 10, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was served on the Tenants by mailing, by registered mail to where the Tenants reside on April 5, 2016.

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the tenants are entitled to an order cancelling the one month Notice to End Tenancy dated March 10, 2016?
- b. Whether the Tenants are entitled to a monetary order and if so how much?
- c. Whether the Landlord is entitled to an Order for Possession?

Background and Evidence

The parties entered into a fixed term written tenancy agreement that provided that the tenancy would start on December 3, 2015 and end on December 31, 2016. The rent is

\$1035 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$517.50 at the start of the tenancy. The tenant(s) failed to pay the rent for the months of March (\$542.50 remains owing) and April (\$1035 remains owing). The tenant(s) continue to reside in the rental unit.

Tenant's Application:

The tenants failed to attend the hearing. The landlord testified as to the following late rent payments:

- the rent for January 2016 was not paid in full until January 26, 2016,
- the rent for February was not paid in full until February 11, 2016
- The rent for March has not been paid in full and the sum of \$542.50 remains owing.
- The rent for April and May have not been paid.

The landlord has established 3 late payments to the date of the service of the one month Notice to End Tenancy. As a result I ordered that the tenants' application to cancel the one month Notice to End Tenancy be dismissed without leave to re-apply. The tenancy shall come to an end.

The tenants sought a monetary order in the sum of \$5000 for "the cost of cleaning supplies, bug sprays, loss of food due to turning off power, cost of antibiotics medication medicine due to infestation of bugs in apartment." The tenants failed to attend the hearing. Representatives of the pest control company testified they could not find any evidence of active pest activity. I accept the testimony of the representatives of the pest control company. As a result I ordered that the application of the tenants for a monetary order be dismissed without leave to re-apply.

Landlord's Application - Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The tenants' application to cancel the one month Notice to End Tenancy has been dismissed. I am satisfied there has been 3 late payments to the date of the one month Notice to End Tenancy. The Tenant(s) have failed to pay the rent for March 2016 (\$542.50 remains owing) and they have not made any payments for April 2016 and May 2016. Accordingly, I granted the landlord an Order for Possession on 2 days Notice..

The tenants 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.

The landlord did not apply for a monetary order or an order to recover the cost of the filing fee and as a result no order has been made.

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: May 02, 2016

Residential Tenancy Branch