



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, FF, CNR, MNDC, OLC, RP, RPP

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 May 10, 2016 for:

1. An Order cancelling a notice to end tenancy - Section 46;
2. A Monetary Order for compensation - Section 67;
3. An Order for the Landlord's compliance - Section 62;
4. An Order for repairs to the unit - Section 32; and
5. An Order for the Landlord to return the Tenant's personal property - Section 65.

The Landlord applied on May 10, 2016 for:

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

The Tenant did not attend the hearing although it had its own application to pursue. As the Tenant did not attend I dismiss its application. The Landlord served the Tenant with the Landlord's application in person on May 10, 2016 in accordance with Section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Has the tenant failed to pay rent?

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The tenancy started on January 16, 2016. Rent of \$1,500.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$750.00 as a security deposit. The Tenant did not pay rent for April and May 2016 and on May 3, 2016 the Landlord served the Tenant with a 10 day notice to end tenancy for unpaid rent. The Tenant has not since paid the outstanding arrears and has also failed to pay rent for June 2016. The Tenant has not moved out of the unit.

Analysis

Section 55(1) provides that if a tenant makes an application for dispute resolution to dispute a landlord's notice to end a tenancy, an order of possession must be granted to the landlord if, the notice to end tenancy complies in form and content and the tenant's application is dismissed or the landlord's notice is upheld. Section 52 of the Act provides that a notice to end tenancy from a landlord must be in writing and must be signed and dated by the landlord, give the address of the rental unit, state the effective date of the notice, state the grounds for ending the tenancy, and be in the approved form.

As the Notice complies in form and content and as the Tenant's application has been dismissed I find that the Landlord is entitled to an order of possession. I therefore grant an Order of Possession to the Landlord effective two days after service of the Order on the Tenant. Further based on the undisputed evidence of rent payable and unpaid, I find that the Landlord is entitled to unpaid rent for April and May 2016. As the Tenant has not paid rent for June 2016 but considering that the Landlord has been granted a an order of possession effective in two days, I find that the Landlord is also entitled to unpaid rent for the period June 1 to 15, 2016 inclusive. In total the Landlord is entitled

to unpaid rent of **\$3,750.00**. The Landlord is also entitled to recovery of the **\$100.00** filing fee for a total amount of \$3,850.00. Deducting the security deposit plus zero interest of **\$750.00** from this amount leaves **\$3,100.00** 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 **\$3,100.00**. 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: June 08, 2016

Residential Tenancy Branch