



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, 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. An Order for Possession based on a one month Notice to End Tenancy
- c. A monetary order in the sum of \$710 for unpaid rent
- d. An order to recover the cost of the filing fee

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

- a. An order to cancel the 10 day Notice to End Tenancy dated June 2, 2016

A hearing was conducted by conference call in the presence of two representatives 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 one month Notice to End Tenancy was served on the Tenants by posting on May 24, 2016. I find that the 10 day Notice to End Tenancy was served on the Tenants by posting on June 2, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was filed by the landlord was served on the Tenants by mailing, by registered mail to where the Tenants reside. 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 tenants are entitled to an order cancelling the 10 day Notice to End Tenancy dated June 2, 2016?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. 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 May 1, 2013. The tenants were hired as resident managers of the rental property. They did not pay a security deposit. The rent was set at \$710 per month. The tenants received a \$350 discount on their rent because of their employment.

In late May 2016 the tenants' employment was terminated and the rent returned to \$710 per month payable in advance on the first day of each month.

The tenants failed to pay the rent for June and the sum of \$710 remains outstanding. The tenants have not paid the rent for July 2016. The tenant(s) continue to live in the rental unit.

Tenants' Application:

The tenants failed to attend the hearing. The landlords testified the tenants failed to pay the rent for June and July. The landlords used the approved form and the both Notices to End Tenancy were sufficiently served on the Tenants. As a result I ordered that the application of the Tenants to cancel the 10 day Notice to End Tenancy be dismissed without leave to re-apply.

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result I granted the landlord an Order for Possession.

Landlord's Application: Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenants' application to set aside the 10 day Notice to End Tenancy has been dismissed. The tenants have not applied to cancel the one month Notice to End Tenancy. 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 on 2 days notice.

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 June and the sum of \$710 remains outstanding. I granted the landlord a monetary order in the sum of \$710 plus the sum of \$100 in respect of the filing fee for a total of \$810.

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: July 29, 2016

Residential Tenancy Branch