



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

Tenant: CNR
Landlord: OPR, MNR, FF

Introduction

This hearing was convened in response to cross applications by both parties pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows. The tenant applied September 16, 2016 for:

1. To Cancel a Notice to End for Unpaid Rent - Section 46
2. Other

The landlord applied October 11, 2016 for:

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

The applicant tenant was provided with a copy of the Notice of a Dispute Resolution Hearing dated September 20, 2016 after filing their application. The landlord testified they received the tenant's application and Notice of Hearing and served the tenant with their Application and other documents by registered mail. The tenant, however, did not attend the hearing set for today at 11:00 a.m. The phone line remained open during the hearing of 15 minutes and was monitored throughout this time. The only party to call into the hearing was the landlord and their representative. As a result, the tenant's application was preliminarily **dismissed**.

The landlord testified the tenant vacated the unit one week before this hearing and therefore no longer requires an Order of Possession.

The landlord was given opportunity to be heard, to present evidence and to make submissions in respect to the balance of their application.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began August 01, 2016. Rent in the amount of \$700.00 is payable in advance on the first day of each month. The landlord does not hold a security deposit. The tenant failed to pay all rent in the month of August 2016, paying only \$250.00, and failed to pay rent thereafter for September, October and November 2016. On September 13, 2016 the landlord served the tenant with a notice to end tenancy for non-payment of rent by posting it on their door stating the tenant owed unpaid rent for august and September 2016. The tenant applied to dispute the notice but did not pay rent after receiving the Notice other than the referenced \$250.00.

Analysis

Based on the landlord's evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and utilities and I find the notice to be valid. The tenant has not paid the outstanding amounts of rent despite their application to dispute the landlord's Notice, and further did not attend the hearing to defend their application – with the result that their application has been **dismissed**.

I find that the landlord has established a monetary claim for unpaid rent. The landlord is also entitled to recovery of the filing fee.

Calculation for Monetary Order

Unpaid rent August 2016	\$450.00
Unpaid rent September 2016	\$700.00
Unpaid rent October 2016	\$700.00
Unpaid rent November 2016	\$700.00
Filing fee for the cost of this application	\$100.00
Total Monetary Award / landlord	\$2650.00

I grant the landlord an Order under Section 67 of the Act for the amount of **\$2650.00**.

If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

Conclusion

The tenant's application is **dismissed**, without leave to reapply.

The landlord's application, in relevant part, is granted.

This Decision is final and binding on both parties.

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: November 14, 2016

Residential Tenancy Branch