



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF MNR OPR OPC

Introduction

This hearing dealt with the landlord's application for an order of possession and a monetary order. The landlord also seeks recovery of the \$100 filing fee from the tenant. Although served with the Application for Dispute Resolution and Notice of Hearing in person in the presence of witnesses on September 30, 2016 and an Amended Application for Dispute Resolution sent by registered mail on October 13, 2016, the tenant failed to attend the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to the requested orders?

Background and Evidence

This tenancy began on October 17, 2010. The rent is \$410 per month. The rental unit is a bedroom in a rooming house. On August 28, 2016 the landlord served the tenant with a 1 Month Notice to End Tenancy for Cause. The tenant did not dispute the Notice.

The landlord testified that the tenant paid only half the rent for September and paid no rent for October and November.

Analysis

Section 47 of the Act requires that upon receipt of a Notice to End Tenancy for Cause, the tenant may, within ten days of receiving the Notice, dispute the notice by filing an Application for Dispute Resolution with the Residential Tenancy Branch. If the tenant does not dispute the Notice, the tenant is conclusively presumed to have accepted that the tenancy ended on the effective date of the notice and must vacate the unit by that date. 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 undisputed evidence I find that the Tenant was validly served with the Notice on August 28, 2016. As the Tenant has not disputed the Notice and has not moved out of the unit, I find that the Landlord is entitled to an Order of Possession.

I also find that the landlord has established a monetary claim in the amount of \$1025 comprised of unpaid rent for September, October and November.

Conclusion

Order of Possession - Based on the above background, evidence and analysis I find that the landlord is entitled to an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court and enforced as an order of that Court.

Monetary Order - I find that the landlord has established a total monetary claim of \$1025 for the outstanding rent for September, October and November. The landlord is entitled to recover the \$100.00 filing fee for this application for a total award of \$1125. I order that the tenant pay this sum to the landlord forthwith. 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: November 22, 2016

Residential Tenancy Branch