



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, OPR

Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a monetary order in the amount of \$1022.00, and requesting recovery of the \$100.00 filing fee.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on January 25, 2017, however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing, and therefore it is my finding that the respondent has been properly served with notice of the hearing, and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issues are whether or not the applicant has the right to an Order of Possession, and whether the applicant has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant testified that this tenancy began on September 1, 2016 with a monthly rent of \$1400.00, due on the first of each month.

The applicant further testified that the tenant only paid \$600.00 of the January 2017, rent and therefore on January 5, 2017 she personally served the tenant with a 10 day Notice to End Tenancy.

The applicant further testified that the tenant has failed to comply with the ten-day Notice to End Tenancy and has failed to pay any further rent.

The applicant therefore stated that she is requesting an Order of Possession, for as soon as possible, and an order for the outstanding rent, totaling \$2200.00.

The applicant further stated that the tenant has also failed to pay her two thirds share of the gas Bill and the City of Vernon utilities Bill, and therefore she is requesting an order for those outstanding utilities totaling \$222.60.

Analysis

The landlord has provided evidence that shows that the monthly rent for this unit is \$1400.00, due on the first of each month.

I accept the landlord's testimony that the tenant failed to pay \$800.00 of the January 2017 rent, and it is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy for outstanding rent.

It is my decision therefore that, since the tenant has failed to comply with the ten-day Notice to End Tenancy, the landlord does have the right to an Order of Possession.

It is also my decision that I will allow the landlords request for a monetary order for the total outstanding rent of \$2200.00 as the tenant has failed to pay \$800.00 of the January 2017 rent, and has failed to pay any rent for the month of February 2017.

I have allow the claim for the February 2017 rent, as the tenant has failed to vacate the rental unit and therefore she should reasonably have anticipated that, another month's rent would be due.

I also allow the landlords claim for outstanding utilities, as the tenancy agreement clearly shows that the tenant is responsible for two thirds of utilities at the rental property.

I also allow the landlords request for recovery of the \$100.00 filing fee.

Therefore the total claim that I have allowed is as follows:

January 2017 rent outstanding	\$800.00
February 2017 rent outstanding	\$1400.00
Fortis gas Bill outstanding	\$56.67
City of Vernon utilities outstanding	\$165.93
Filing fee	\$100.00
Total	\$2522.60

Conclusion

Pursuant to sections 46 and 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable two days after service on the tenant.

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: February 15, 2017

Residential Tenancy Branch