



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, DRI, MNSD, MT, RR, OPR, MNR, MNDC, FF

Introduction

This decision deals with two applications for dispute resolution, one brought by the tenant(s), and one brought by the landlord. Both files were to be heard together; however the tenants did not join the conference call that was scheduled for the hearing.

The landlord testified that the tenants were served with notice of the hearing by personal service on January 31, 2017; however the tenants did not join the conference call that was set up for the hearing.

It is my finding that the tenants have been properly served with notice of the hearing.

Further, since the tenants had filed their own cross application, and the hearing had been set for the same time, the tenants were well aware of today's hearing, and I therefore dismissed the tenant's application, and conducted a hearing on the landlords claim, in the tenant's absence.

The landlord's testimony was taken under affirmation.

Issue(s) to be Decided

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

Background and Evidence

The landlord testified that this tenancy began on November 27, 2008 with a monthly rent of \$1500.00, due on the first of each month.

The landlord further testified that over the years the tenant has fallen behind in the rent and as of today's date the following rent is still outstanding:

August 2015 rent outstanding	\$400.00
November 2015 rent outstanding	\$100.00
December 2015 rent outstanding	\$200.00
January 2016 rent outstanding	\$200.00
February 2016 rent outstanding	\$200.00
April 2016 rent outstanding	\$200.00
June 2016 rent outstanding	\$100.00
October 2016 rent outstanding	\$100.00
December 2016 rent outstanding	\$200.00
January 2017 rent outstanding	\$200.00
February 2017 rent outstanding	\$200.00
Total	\$2100.00

The landlord further testified that a 10 day Notice to End Tenancy was served on the tenants on January 23, 2017, however the tenants have failed to comply with that notice.

The landlord is therefore requesting an Order of Possession for as soon as possible and in a monetary order for the \$2100.00 outstanding rent and recovery of his \$100.00 filing fee.

Analysis

After reviewing the evidence and testimony provided by the landlord, it is my finding that the landlord has shown that the tenants have failed to pay a total of \$2100.00 in outstanding rent, and I therefore allow the landlords request for an order for that outstanding rent.

It is also my finding that the landlord has served the tenants with a valid 10 day Notice to End Tenancy and since the tenants have failed to comply with that notice, and have failed to pay the outstanding rent, I also allow the landlords request for an Order of Possession.

Having allowed the landlords full claim I also allow the landlords request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to section 62(4) of the Residential Tenancy Act, the tenant's application is dismissed in full, without leave to reapply.

Pursuant to sections 67 and 72 of the Residential Tenancy Act, I have issued a monetary order for the tenants to pay \$2200.00 to the landlord.

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 tenants.

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 27, 2017

Residential Tenancy Branch