



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Azzurri Properties
and [tenant name suppressed to protect privacy]

ECISION

Dispute Codes OPR, MNR

Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession, based on a Notice to End Tenancy for nonpayment of rent, and requesting a monetary order for the outstanding rent.

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

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.

The applicant's testimony was taken under affirmation.

Issue(s) to be Decided

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

Background and Evidence

The applicant testified that this tenancy began on May 1, 2016 under the previous owner, with a monthly rent of \$600.00 due on the first of each month.

The applicant further testified they subsequently purchased the rental property in the summer of 2016 and, at first, the tenant seemed to be a good tenant.

The applicant further testified that the tenant stopped paying rent at the end of August 2016 and has paid no rent since and therefore, as of today's date, the following rent is outstanding:

September 2016	\$600.00
October 2016	\$600.00
November 2016	\$600.00
December 2016	\$600.00
January 2017	\$600.00
February 2017	\$600.00
Total	\$3600.00

The applicant further testified that at first they did not serve an eviction notice right away, as the tenant kept coming up with excuses and promises to pay; however on December 11, 2016 they served him with a 10 day Notice to End Tenancy for nonpayment of rent.

The applicant further stated that they are therefore requesting an Order of Possession for as soon as possible, as the tenant has failed to comply with the Notice to End Tenancy.

The applicant further stated that they are requesting an order for the outstanding rent.

Analysis

It is my finding that the applicants have shown that the monthly rent for this unit is \$600.00, due on the first of each month.

I also accept the landlord's testimony that the tenant has failed to pay any rent for the months of September 2016, through to today's date.

It is also my finding that the tenant has been served with a valid 10 day Notice to End Tenancy for nonpayment of rent, and has failed to comply with that notice, and I therefore allow the landlords request for an Order of Possession.

It is also my decision that the tenants must pay the full outstanding rent for the months of September 2016, through February 2017, as the tenant has failed to vacate the rental unit, and therefore, even though the landlord had originally only requested outstanding rent to the end of December 2016, the tenant should reasonably have anticipated that, another two month's rent would be due.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant/respondent.

I have issued a monetary order for the tenant/respondent to pay \$3600.00 to the landlords.

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 06, 2017

Residential Tenancy Branch