



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPC, MNR

Introduction

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for cause.
- b. A monetary order in the sum of \$320 for unpaid rent

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I ordered that the Application for Dispute Resolution be amended to include a claim for non-payment of the rent for March as that claim was included in the monetary order worksheet.

The hearing letter stated that the hearing was scheduled to be held on March 23, 2017. However, the Registry had scheduled it for March 24, 2017. The representative of the landlord appeared on March 23, 2017. I requested that the landlord also appear on March 24, 2017 in case the tenant failed to appear on that date because of the Registry error. The tenant failed to appear on both dates. Representatives of the landlord appeared on March 24, 2017.

I find that the one month Notice to End Tenancy was personally served on the Tenant on January 24, 2017. The Notice to End Tenancy set the end of tenancy date for February 28, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on March 8, 2017. With respect to each of the applicant's claims I find as follows:

Issue(s) to be Decided

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for Possession?
- b. Whether the landlord is entitled to A Monetary Order and if so how much?

Background and Evidence

The parties entered into a written tenancy agreement that provided that the tenancy would start on January 1, 2010. The rent is \$320 per month payable on the first day of each month. The tenant paid a security deposit of \$150 at the start of the tenancy.

The tenant failed to pay the rent for February and March and the sum of \$640 is owed. The tenant(s) continues to reside in the rental unit. .

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession effective on 2 days notice.

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, the landlord may register the Order with the Supreme Court of British Columbia for enforcement.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant has failed to pay the rent for the month(s) of February 2017 and March 2017 and the sum of \$640 remains outstanding. I granted the landlord a monetary order in the sum of \$640.

It is further Ordered that this sum be paid forthwith. The applicant is given a formal Order in the above terms and the respondent must be served with a copy of this Order as soon as possible.

Should the respondent fail to comply with this Order, the Order may be filed in the Small Claims division of the Provincial Court and enforced as an Order of that Court.

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: March 24, 2017

Residential Tenancy Branch