



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for Orders as follows:

1. An Order of Possession due to unpaid rent - Section 55;
2. A Monetary Order for unpaid rent and utilities - Section 67;
3. An Order to retain the security deposit / pet deposit - Section 38
4. An Order to recover the filing fee for this application - Section 72.

I accept the landlord's evidence that despite the tenant having been personally served with the application for dispute resolution and notice of hearing in accordance with Section 89 of the Residential Tenancy Act (the Act) the tenant did not participate in the conference call hearing. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

I have benefit of a copy of the tenancy agreement. The tenancy began February 01, 2017. Rent in the amount of \$1500.00 is payable in advance on the first day of each month. The tenant is responsible for 50% of utility costs. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$750.00 which they retain in trust. The tenant failed to pay all rent and utilities in the month of April 2017 and on April 02, 2017 the landlord served the tenant with a notice to end tenancy for non-payment of rent and utilities. The tenant further failed to pay all rent for the

month of May 2017. The landlord's monetary claim seeks unpaid rent in the sum for April and May 2017 of \$1000, unpaid electric utility of \$83.96, unpaid gas utility of 30.09 as well as 2 fees of \$25.00 for late payment of rent as reflected in the addendum of the parties' tenancy agreement. The landlord provided copies of utility invoices.

Analysis

Based on the landlord's undisputed evidence I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent and has not applied for Dispute Resolution to dispute the notice and is therefore conclusively presumed by the Act to have accepted that the tenancy ended on the effective date of the notice.

Based on the above facts I find that the landlord is entitled to an **Order of Possession**.

I also find that the landlord has established a monetary claim for unpaid rent and utility charges owed pursuant to the tenancy agreement. The landlord is also entitled to recovery of the filing fee. The security deposit will be off-set from the award made herein.

Calculation for Monetary Order

| | |
|----------------------------------------------|-----------------|
| Rental Arrears - April and May 2017 | \$1000.00 |
| Late fee X 2 | 50.00 |
| Electric utility | 83.96 |
| Gas utility | 30.09 |
| Filing Fees for the cost of this application | 100.00 |
| <i>Less Security Deposit</i> | <i>-750.00</i> |
| Total Monetary Award to landlord | \$514.05 |

I grant an Order of Possession to the landlord **effective 2 days from the day it is served** on the tenant. The tenant must be served with this Order of Possession. Should the tenant fail to comply with the Order, the Order may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I Order that the landlord retain the security deposit of \$750.00 in partial satisfaction of the claim and I grant the landlord an Order under Section 67 of the Act for the balance due of **\$514.05**. If necessary, this Order may be filed in the Small Claims Court and enforced as an Order of that Court.

Conclusion

The landlord's application in relevant part is granted.

This Decision is final and binding.

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: May 16, 2017

Residential Tenancy Branch