



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD & FF

Introduction

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

- a. An Order for Possession for non-payment of rent
- b. A monetary order in the sum of \$1690 for unpaid rent
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence 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 find that the 10 day Notice to End Tenancy was served on the Tenants by posting on April 13, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the Tenants by mailing, by registered to where they reside. A search of the Canada Post tracking service indicates it was accepted for delivery on May 3, 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?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

On November 21, 2016 the parties entered into a written tenancy agreement that provided that the tenancy would start on December 21, 2016 and continue on a month to month basis. The rent is \$1600 per month payable on the first day of each month. The tenants paid a security deposit of \$800 at the start of the tenancy.

The tenant(s) failed to pay the rent for April at the time the Notice to End Tenancy was served and they failed to pay it within the 5 days that would void the Notice. The rent for April was eventually paid on April 26, 2017. However, the tenants owe \$1400 of the rent for May 2017.

The tenant(s) continue to reside in the rental unit. .

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There was outstanding rent at the time the 10 day Notice to End Tenancy was served. The tenants failed to pay the arrears within the 5 days that would void the Notice. The tenants have failed to pay all of the rent for May 2017. 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 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 May and the sum of \$1400 remains outstanding. I granted the landlord a monetary order in the sum of \$1400 plus the sum of \$100 in respect of the filing fee for a total of \$1500.

Conclusion:

I granted an Order of Possession on 2 days notice. In addition I further ordered that the Tenant(s) pay to the Landlord(s) the sum of \$1500.

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: May 29, 2017

Residential Tenancy Branch