



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes            OPR, MNR, 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 \$1450 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 respondents 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 personally served on the Tenants on May 30, 2017. The landlord testified she attempted to personally serve the Application for Dispute Resolution/Notice of Hearing on the Tenants but they quickly returned to their rental unit and would not open the door. The landlord then posted the Application for Dispute Resolution/Notice of Hearing on June 7, 2017. The documents were removed. She further testified the tenants acknowledged receipt of the documents and the upcoming hearing in a letter written by the Tenant and directed to the landlord. I determined there was sufficient service of the Application for Dispute Resolution on the Tenants on June 7, 2017.

The landlord stated she did not wish to amend her Application for Dispute Resolution to include a claim for non-payment of rent for June and July and a claim to keep the security deposit. 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

The parties entered into a tenancy agreement that provided that the tenancy would start on March 1, 2017. The rent is \$1450 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$ 725 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of May 2017 and the sum of \$1450 remains outstanding. In addition the tenants have not paid the rent for June and July.

The tenants vacated the rental unit on July 29, 2017.

Analysis - Order of Possession:

The landlord stated she still wanted an 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 May 2017 and the sum of \$1450 remains outstanding. I granted the landlord a monetary order in the sum of \$1450 plus the sum of \$100 in respect of the filing fee for a total of \$1550.

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: July 31, 2017

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Residential Tenancy Branch