



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, MDSD & FF

Introduction

The Application for Dispute Resolution filed by the Tenant seeks an order to cancel the 10 day Notice to End Tenancy dated June 9, 2017.

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 \$2852 for unpaid rent and utilities.
- c. An order to recover the cost of the filing fee

A hearing was conducted by conference call in the presence of one of the landlords and in the absence of the Tenant 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 Tenant by posting on June 9, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the tenant by mailing, by registered mail to where the Tenant resides on June 20, 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 tenant is entitled to an order cancelling the 10 day Notice to End Tenancy dated June 9, 2017?
- b. Whether the landlord is entitled to an Order for Possession?
- c. Whether the landlord is entitled to A Monetary Order and if so how much?
- d. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence

The parties entered into a month to month written tenancy agreement that provided that the tenancy would start on May 1, 2017. The rent is \$770 per month payable on the first day of each month. The tenant was supposed to pay a security deposit but failed to do so. The tenancy agreement provided that the tenant would pay 50% of the utilities.

The tenant(s) failed to pay the rent for the June 2017 (\$770 is owed), July 2017 (\$770 is owed) and August 2017 (\$770 is owed) and the sum of \$2310 remains owing. In addition the tenant owes the following for his share of the utility payments:

- \$13.33 for gas and hydro from May 1 to 2, 2017
- \$103.40 for gas from May 2, to June 1, 2017
- \$54 for gas from June 1, 2017 to June 30, 2017
- \$92 for B.C. Hydro from May 4 to July 5, 2017

Tenant's Application:

The tenant failed to attend the hearing. I determined that the landlord has established sufficient cause to end the tenancy. The Notice to End Tenancy is in the approved form. The tenant owes 3 months of rent totaling \$2310. As a result I dismissed the tenant's application to cancel the Notice to End Tenancy.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. As a result 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.

Landlords' Application – Order of Possession::

For the reasons set out above I determined the landlords are entitled to an Order of Possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant(s) failed to pay the rent for the June 2017 (\$770 is owed), July 2017 (\$770 is owed) and August 2017 (\$770 is owed) and the sum of \$2310 remains owing. In addition the tenant owes the following for his share of the utility payments:

- \$13.33 for gas and hydro from May 1 to 2, 2017
- \$103.40 for gas from May 2, to June 1, 2017
- \$54 for gas from June 1, 2017 to June 30, 2017
- \$92 for B.C. Hydro from May 4 to July 5, 2017

I dismissed the landlord claim of an estimated \$177.40 in gas for July and August and \$102 for hydro for July and August as those claims are premature. It may be the tenant vacates before the end of August. The landlords have liberty to re-apply.

I ordered that the Tenant pay to the Landlords the sum of \$2572.73 plus the sum of \$100 in respect of the filing fee for a total of \$2672.73.

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.

Conclusion:

I dismissed the tenant's application to cancel the 10 day Notice and granted an order of Possession on 2 days notice. I ordered the tenant pay to the landlord the sum of \$2672.73.

This decision is final and binding on the 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: August 10, 2017

Residential Tenancy Branch