



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, OPC, MNR, MNSD, CNC, CNR, FF

### **Introduction**

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee and to retain the security deposit. The tenant applied for an order to cancel the notices to end tenancy, for the return of the security deposit and for the recovery of the filing fee.

The landlord testified that he served the tenant with the notice of hearing on August 02, 2017 by leaving a copy in the mail slot of the rental unit. Despite having been served with the notice of hearing and having made application herself, the tenant did not attend the hearing. Therefore the tenant's application is dismissed. The landlord attended the hearing and was given full opportunity to present evidence and make submissions.

During the hearing, the landlord requested me to dismiss the portion of his application that deals with the security deposit with leave to reapply after the tenancy ends. Since the tenancy has not yet ended I allowed the landlord's request and have dismissed this portion of his application with leave to reapply.

### **Issues to be decided**

Is the landlord entitled to an order of possession? Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

### **Background and Evidence**

The tenancy started on September 01, 2016. The monthly rent is \$1,350.00 payable on the first of the month. The landlord stated that the tenant was late paying rent on more than three occasions and on July 05, 2017, the landlord served the tenant with a notice to end tenancy for cause.

The landlord also testified that the tenant failed to pay rent on July 01, 2017. On July 10, 2017, the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant applied to dispute both notices in a timely manner but failed to attend the hearing. The landlord

testified that the tenant continued to occupy the rental unit without paying rent and at the time of the hearing the tenant owed rent for the months of July, August and September 2017.

### **Analysis**

Based on the undisputed sworn testimony of the landlord, I accept his evidence in respect of the claim. The tenant received the notices to end tenancy on July 05 and July 10 and applied to dispute the notices but did not attend the hearing. Therefore, the notices are upheld and pursuant to section 55(2) I am issuing a formal order of possession effective two days after service on the tenant. This Order may be filed in the Supreme Court for enforcement.

In the absence of evidence to the contrary, I find that the landlord has established a claim of \$4,050.00 for unpaid rent for the months of July, August and September 2017. Since the landlord has proven his case I award him the recovery of the filing fee of \$100.00. I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the amount of \$4,150.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

### **Conclusion**

I grant the landlord an order of possession effective two days after service on the tenant. I also grant the landlord a monetary order in the amount of **\$4,150.00**. The tenant's application is dismissed in its entirety.

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: September 14, 2017

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Residential Tenancy Branch