



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, OPR, MNR, FF

Introduction

The Application for Dispute Resolution filed by the Tenants seeks an order to cancel the 10 day Notice to End Tenancy dated August 7, 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 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 a landlord and in the absence of the tenants 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 Notice to End Tenancy was personally served on the Tenant on August 7, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing filed by the landlord was sufficiently served on each of the tenants by mailing, by registered mail to where the tenants reside on August 18, 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 August 7, 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 written tenancy agreement that provided that the tenancy would start on February 1, 2017 and end on December 31, 2017. The rent is \$1900 per month payable on the first day of each month. The tenants paid a security deposit of \$950 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of August (\$1200 is owed) and September (\$1900 is owed) and the sum of \$3100 remains owing.

The rental unit was destroyed by fire in early October and the tenants vacated the rental unit.

Tenant's Application:

The tenants failed to attend the hearing and failed to present sufficient evidence. As a result I ordered the application to cancel the 10 day Notice to End Tenancy dated August 7, 2017 be dismissed without liberty to re-apply.

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.

Landlord's Application - Order of Possession:

For the reasons set out above I issued an Order of Possession on 2 days notice.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenants failed to pay the rent for the month(s) of August (\$1200 is owed) and September (\$1900 is owed) and the sum of \$3100 remains owing. I granted the landlord a monetary order in the sum of \$3100 plus the sum of \$100 in respect of the filing fee for a total of \$3200.

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 tenants' application to cancel the 10 day Notice to End Tenancy and granted an Order of Possession on 2 days notice. I ordered that the Tenants pay to the landlord the sum of \$3200.

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: October 18, 2017

Residential Tenancy Branch