



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

Dispute Codes OPC, MNR, MNSD & FF

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

- a. An Order for Possession for repeated late payment of rent
- b. A monetary order in the sum of \$1800 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 one month Notice to End Tenancy was personally served on the Tenants on August 8,, 2017. Further I find that the Application for Dispute Resolution/Notice of Hearing was personally served on August 22, 2017. I find that the Amended Application for Dispute Resolution was personally served on the Tenants on October 4, 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:

The tenancy began In the summer of 2014. The rent was \$900 per month payable in advance on the first day of each month. The tenants paid a security deposit of \$370 at the start of the tenancy.

The tenant(s) have been repeatedly late paying the rent. Most recently, they failed to pay the rent for the months of May, June, July and August 2017 on time.

The tenants paid the rent for the months of September, October and November late. The landlord accepted the payments for "use and occupation only."

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The landlord served a one month Notice to End Tenancy on the Tenants on August 8, 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. Further, the tenants have paid the rent late on more than 3 occasions. Accordingly, I granted the landlord an Order for Possession. As the rent was paid for November and accepted by the landlord for "use and occupation only" I set the effective date of the Order of Possession for November 30, 2017.

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 dismissed the landlord's claim for rent for October and November as the rent for those months has been paid (albeit paid late).

However, I determined the landlord is entitled to the cost of the filing fee. I ordered that the Tenants pay to the Landlord the sum of \$100 for the cost of the filing fee.

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: November 08, 2017

Residential Tenancy Branch