



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR

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 \$240 for unpaid rent and internet charge.

A hearing was conducted by conference call in the presence of the landlords and in the absence of the respondent 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 Notice to End Tenancy was personally served on the Tenant on November 20, 2017. Further I find that the Application for Dispute Resolution/Notice of Dispute Resolution Proceeding was sufficiently served by mailing, by registered mail. The tenant acknowledged receipt of the registered mail package on December 11, 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?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on November 19, 2017. The rent was \$1800 per month payable in advance on the first day of each month. The tenant agreed to pay the proportionate share of the rent for November.

The tenant proportionate share of the rent for 12 days of November was supposed to be \$720. The tenant made a part payment of \$500 and promised to pay the remainder the next day. The tenant failed to pay the remainder and the sum of \$220 remains outstanding. In addition the tenant owes \$20 for internet service for 12 days of November. The tenant had agreed to pay a security deposit and pet damage deposit the next day but failed to do so.

The landlord became aware the tenant had abandoned the rental unit in early December.

Analysis - 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 forthwith as it appears the tenant has abandoned the rental unit.

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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 and internet charge for the month(s) of November and the sum of \$240 remains outstanding. I ordered that the Tenant pay to the Landlord the sum of \$240.

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: January 02, 2018

Residential Tenancy Branch