



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNRL, FFL

Introduction

This is an application brought by the Landlord requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, requesting a monetary order for outstanding rent, and requesting recovery of the filing fee.

This was originally an application for hearing through the direct request process; however the adjudicator determined that the hearing must be held as in person hearing. The adjudicator therefore issued that decision requiring that that decision, and notice of reconvened hearing, be served on the respondent by the applicant.

The applicant testified that the respondent was served with the decision, and notice of the reconvened hearing, by personal service on January 5, 2018; however the respondent did not join the conference call that was set up for the hearing.

It is my finding that the respondent has been properly served with notice of the hearing, and I therefore conducted the hearing in the respondent's absence.

All parties were affirmed.

Issue(s) to be Decided

The issues are whether or not the applicant has the right to an Order of Possession, and whether or not the applicant has established monetary claim against the respondent, and if so in what amount.

Background and Evidence

The applicant's daughter testified that this tenancy began on January 6, 2017 with a monthly rent of \$375.00, that is due on the first of each month.

The applicant's daughter further testified that the tenant failed to pay the December 2017 rent, and therefore on December 8, 2017 a 10 day Notice to End Tenancy was posted on the tenants door.

The applicant's daughter further testified that the tenant has failed to comply with that notice, and has failed to pay any further rent, and therefore they are asking for an Order of Possession for as soon as possible, and an order for the outstanding rent as follows:

December 2017 rent outstanding	\$375.00
January 2018 rent outstanding	\$375.00
February 2018 rent outstanding	\$375.00
Total	\$1125.00

The applicants are also requesting recovery of their \$100.00 filing fee.

Analysis

It is my finding that the landlords have shown that the tenant/respondent failed to pay the December 2017 rent in the amount of \$375.00 and that on December 8, 2017 the landlords posted a 10 day Notice to End Tenancy on the tenants door.

It is also my finding that the tenant has failed to comply with that ten-day Notice to End Tenancy, has failed to pay any further rent, and has failed to vacate the rental unit.

It is my decision therefore, pursuant to section 62 of the Residential Tenancy Residential Tenancy Act, that I will allow the landlords requests for an Order of Possession and for an order for the full outstanding rent, as the tenant has failed to vacate the rental unit, and therefore he should reasonably have anticipated that, a further two month's rent would be due.

I also allow the landlords request for recovery of the \$100.00 filing fee.

Conclusion

Pursuant to sections 46 and 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable two days after service on the respondent.

Pursuant to sections 67 and 72 of the Residential Tenancy Act I have issued a monetary order in the amount of \$1225.00.

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: February 05, 2018

Residential Tenancy Branch