



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An Order for Possession for non payment of rent.
- b. A Monetary Order in the sum of \$1200 for non-payment of rent.

A hearing was conducted by conference call in the presence of the applicant 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 10 day Notice to End Tenancy was served on the Tenant on December 10, 2017 by posting. Further I find that the Application for Dispute Resolution/Notice of Hearing was sufficiently served on the Tenant on December 21, 2017. There was an error in the Notice of Dispute Resolution as it incorrectly stated the time of the hearing was for 9:00 a.m. on today's date. The Registry corrected the Notice of Dispute Resolution and advised the parties. The landlord testified he had a conversation with the Tenant and advised him of the change of time. 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 tenancy began in November 2017. The rent was \$1200 per month payable in advance on the first day of the month. The tenant initially paid a security deposit but the parties agreed that it could be applied to outstanding rent.

The tenant failed to pay the rent when due and as of the date of the Notice to End Tenancy the sum of \$1200 was owed for December. The rent for December was paid

at the end of December. The rent for January was paid late. The tenant has not paid the rent for February 2018.

The parties have agreed the Tenant could have to February 10, 2017 to move out.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There was outstanding rent at the time the 10 day Notice to End Tenancy was served. The tenant failed to pay the arrears within the 5 days that would void the Notice. The landlord has not agreed to reinstate the tenancy. 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. I set the effective date of the Order of Possession for 1:00 p.m. on February 11, 2018.

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 claim for a monetary order as the rent for December has been paid.

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: February 07, 2018

Residential Tenancy Branch