



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Imperial Hospitality Group  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      **FFL OPRM-DR**

### Introduction

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

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on March 1, 2018, however the respondent did not join the conference call that was set up for the hearing.

Pursuant to section 90 of the Residential Tenancy Act, documents sent by registered mail are deemed served five days after mailing and therefore 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 testimony was taken under affirmation.

### Issue(s) to be Decided

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

### Background and Evidence

The applicant testified that this tenancy began on July 2, 2013 and that the rent at that time was \$650.00.

The applicant further testified that the rent was raised to \$668.85 on November 1, 2016, and then raised again to \$693.95 on December 1, 2017.

The applicant further testified that the tenant failed to pay the February 2018 rent and therefore on February 3, 2018, a 10 day Notice to End Tenancy was posted on the tenants door.

The applicant further testified that the tenant failed to comply with the notice, and failed to pay the outstanding rent within the five-day grace period.

The applicant further testified that, the March 2018 rent is now outstanding; however the tenant subsequently paid the February 2018 rent, which was collected for use and occupancy only.

The applicant is requesting an Order of Possession for the end of March 2018 and is requesting a monetary order for the outstanding rent and the filing fee.

### Analysis

The applicant has provided evidence to show the original rent, and copies of the rent increases bringing the rent to \$693.95.

It is my finding that the landlord has shown that there is a total of \$693.95 and rent outstanding, and I therefore, pursuant to section 62 of the Residential Tenancy Act, allow the landlord's request for a monetary order for that outstanding rent.

It is also my finding that the landlord has served the tenant with a valid ten-day Notice to End Tenancy and the tenant has failed to comply with that notice and therefore, pursuant to section 62 of the Residential Tenancy Act, I also allow the landlord's request for an Order of Possession.

It is also my decision that the tenant must bear the \$100.00 cost of the filing fee paid by the landlord.

### Conclusion

Pursuant to sections 46 and 55 of the Residential Tenancy Act I have issued an Order of Possession that is enforceable at 1:00 PM on March 31, 2018.

Pursuant to sections 67 and 72 of the Residential Tenancy Act, I have issued a monetary order in the amount of \$793.95.

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: March 21, 2018

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Residential Tenancy Branch