



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**

Introduction

This is an application brought by the Landlord requesting an Order of Possession based on the Notice to End Tenancy for nonpayment of rent, requesting a monetary order for unpaid rent, and requesting recovery of the \$100.00 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 issues are whether or not the applicant has established the right to an Order of Possession and whether or not the applicant has established a monetary claim against the respondent, and if so in what amount.

Background and Evidence

Applicant testified that this tenancy began on November 1, 2017 with a monthly rent of \$800.00 due on the first of each month.

The applicant testified that the tenant failed to pay both the January 2018 rent, and the February 2018 rent, and therefore on February 2, 2018 a 10 day Notice to End Tenancy was sent to the tenant, by registered mail.

The applicant testified that the tenant has failed to comply with that notice, and has failed to pay any further rent, and therefore, at this time, there is a total of \$2400.00 in rent outstanding.

The applicant is therefore requesting an Order of Possession for as soon as possible, and a monetary order for the outstanding rent and recovery of the \$100.00 filing fee.

Analysis

This application was originally brought forward under the direct request process, however, the adjudicator noted that the address on the tenancy agreement appeared to be different than on all other documents, however I addressed that issue with the landlord and verified that the address no longer has a directional indication as Burnaby no longer uses East Hastings, it is simply Hastings.

I have reviewed the information and the testimony of the landlord and it is my finding that the landlord has shown that the tenant has failed to pay rent for the months of January 2018, February 2018, and in March 2018. It is also my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy.

It is my decision therefore, pursuant to section 62 of the Residential Tenancy Act, that the landlord has the right to an Order of Possession. It is also my decision that the landlord has established a monetary claim for outstanding rent. It is also my decision that the tenant must pay the full \$2400.00 amount outstanding, as he has failed to vacate the rental unit and therefore he should reasonably have anticipated that, another month's rent would be due.

It is also my decision the tenant must bear the cost of the filing fee.

Conclusion

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

Pursuant to section 67 and 72 of the Residential Tenancy Act, I have issued a monetary order in the amount of \$2500.00.

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: March 21, 2018

Residential Tenancy Branch