



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR & FF

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 \$1850 for non-payment of rent.
- c. An Order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of both parties. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

Both parties were given a full opportunity to present evidence and make submissions. Neither party requested an adjournment or a Summons to Testify. Prior to concluding the hearing both parties acknowledged they had presented all of the relevant evidence that they wished to present.

I find that the 10 day Notice to End Tenancy was served on the Tenant by posting on March 2, 2018. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on April 4, 2018. 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?
- c. Whether the landlord is entitled to recover the cost of the filing fee?

Background and Evidence:

The parties entered into a written tenancy agreement that provided that the tenancy would start on December 1, 2012. The present rent is \$750 per month payable in advance on the first day of each month. The tenant did not pay a security deposit.

The tenant(s) failed to pay the rent for the months of January 2018, February 2018 and March 2018. In addition the tenant owes the sum of \$750 for April 2018. The parties agreed the tenant owes the sum of \$2200 in rent for the end of April 2018.

The tenant continues to reside in the rental unit.

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 on 2 days notice.

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 for the month(s) of \$2200 in outstanding rent to April 30, 2018. I granted the landlord a monetary order in the sum of \$2200 plus the sum of \$100 in respect of the filing fee for a total of \$2300.

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.

Settlement:

The parties reached a settlement on the repayment of the arrears and the rent for May in the sum of \$750 and the reinstatement of the tenancy and they asked that I record the settlement pursuant to section 63(2) as follows:

- a. The tenant shall make the following payments:
 - The sum of \$800 on or before April 29, 2018
 - The sum of \$1075 on or before May 11, 2018
 - The sum of \$1075 on or before May 25, 2018.

- b. The landlord agrees that provided the Tenant makes the payments at provided above the landlord shall not enforce the monetary order and Order of Possession and shall reinstate the tenancy. If the tenant fails to make any one payment the landlord shall be at liberty to enforce the orders. Further, the landlord agrees that provided the payments are made the landlord waives their right in the monetary order for the \$100 filing fee.

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: April 26, 2018

Residential Tenancy Branch