



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD & FF

The Application for Dispute Resolution filed by the landlord makes the following claims:

- a. An Order for Possession for non-payment of rent
- b. A monetary order for unpaid rent
- c. An order to recover the cost of the filing fee

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 Notice to End Tenancy was personally served on the Tenant on August January 10, 2018. The landlord's application for an order by Direct Request was denied the matter was set for hearing. I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing which scheduled the hearing was personally served on the Tenant on March 25, 2018.

Section 4.2 of the Rules of Procedure provides as follows:

4.2 Amending an application at the hearing

In circumstances that can reasonably be anticipated, such as when the amount of rent owing has increased since the time the Application for Dispute Resolution was made, the application may be amended at the hearing.

If an amendment to an application is sought at a hearing, an Amendment to an Application for Dispute Resolution need not be submitted or served.

I ordered that the Application for Dispute Resolution be amended to include a claim for non-payment of rent for the months of January, February and March 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 fixed term written tenancy agreement that provided that the tenancy would start on June 1, 2017 and end on December 30, 2016. The rent is \$1500 per month payable on the first day of each month. The tenant did not pay a security deposit. The tenant(s) appears to have vacated the rental unit in early April 2018.

The tenant has failed to pay the rent as follows:

- \$3240 is owed to the end of December 2017.
- \$1500 is owed for January 2018.
- \$1500 is owed for February 2018
- \$1500 is owed for March 2018.

The sum of \$7740 remains outstanding.

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. The landlord requested an Order of Possession even though it appears the Tenant has abandoned the rental unit. Accordingly, I granted the landlord an Order for Possession.

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 October 2017 to the end of March 2018 and the sum of \$7740 remains outstanding. I granted the landlord a monetary order in the sum of \$7740 plus the sum of \$100 in respect of the filing fee for a total of \$7840.

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.

This decision is final and binding on both 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 12, 2018

Residential Tenancy Branch