



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## DECISION

Dispute Codes      CNR, OPR, MNR, MDSD & FF

The Application for Dispute Resolution filed by the Tenant(s) makes the following claims:

- a. An order extending the time for this application.
- b. An order to cancel the 10 day Notice to End Tenancy dated August 6, 2015
- c.

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 in the sum of \$2050 for unpaid rent and damages
- c. An order to recover the cost of the filing fee

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:00 p.m. on April 23, 2018. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant(s) to call in. The tenants failed to call in. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses. 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 Notice to End Tenancy was personally served on the Tenant on March 19, 2018. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing filed by the landlord was personally served on the Tenants on April 1, 2018 as the tenants acknowledged receipt of the papers to the landlord.

### Issue(s) to be Decided:

The issues to be decided are as follows:

- a. Whether the tenant(s) are entitled to an order extending the time for this application?
- b. Whether the tenant(s) are entitled to an order cancelling the 10 day Notice to End Tenancy dated August 6, 2016?

- c. Whether the landlord is entitled to an Order for Possession?
- d. Whether the landlord is entitled to A Monetary Order and if so how much?
- e. 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 November 21, 2017. The rent is \$1650 per month payable in advance on the first day of each month. The tenant paid a security deposit of \$825 at the start of the tenancy.

The tenant(s) failed to pay the rent for the months of February 2018 (\$400 is outstanding) and March 2018 (\$1650 is outstanding) and the sum of \$2050 remains owing. The tenants failed to pay the rent for April although this is not part of the landlord's claim. The tenant(s) continue to reside in the rental unit.

Tenant's Application:

The tenant(s) failed to attend the hearing. The landlord testified that Tenant(s) failed to pay the rent for February 2018 and March 2018 and the sum of \$2050 remains outstanding. The landlord used the approved government form. After carefully considering all of the evidence I determined that the landlord has established sufficient cause to end the tenancy. As a result I dismissed the tenant's application to cancel the 10 day Notice to End Tenancy. I order that the tenancy shall end on the date set out in the Notice.

Order for Possession:

The Residential Tenancy Act provides that where an arbitrator has dismissed a tenant's application to cancel a Notice to End Tenancy, the arbitrator must grant an Order for Possession. I dismissed the Tenant(s) application to cancel the 10 day Notice to End Tenancy. The landlord used the approved government form. As a result 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.

Landlord's Application - Order of Possession:

For the reasons set out above I have granted an Order of Possession.

Analysis - Monetary Order and Cost of Filing fee:

I determined the tenant(s) failed to pay the rent for the month(s) of February 2018 (\$400 is outstanding) and March 2018 (\$1650 is outstanding) and the sum of \$2050

remains owing. I granted the landlord a monetary order in the sum of \$2050 plus the sum of \$50 in respect of the filing fee for a total of \$2150.

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 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 23, 2018

---

Residential Tenancy Branch