



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to an application and amended application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. A Monetary Order for unpaid rent - Section 67;
2. An Order of Possession - Section 55;
3. An Order to retain the security deposit - Section 38;
4. A Monetary Order for compensation - Section 67; and
5. An Order to recover the filing fee for this application - Section 72.

The Tenants did not attend the hearing. I accept the Landlord's evidence that each Tenant was served with the application for dispute resolution and notice of hearing (the “Materials”) in person on September 17, 2018 and the amended application in person on October 5, 2018 in accordance with Section 89 of the Act. The Landlord was given full opportunity to be heard, to present evidence and to make submissions.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy of a room in a suite separate from the Landlord's residence and with its own kitchen and bathroom started on October 16, 2017. The only person who signed

the tenancy agreement is Tenant WC. Rent of \$550.00 is payable on the first day of each month. At the outset of the tenancy the Landlord collected \$275.00 as a security deposit. The Tenants owed arrears and failed to pay rent for September 2018 and on September 6, 2018 the Landlord served the Tenants with a 10 day notice to end tenancy for unpaid rent (the "Notice") by posting the Notice on the door of the rental unit. The Tenants have not paid the arrears or rent for October 2018, have not disputed the Notice and have not moved out of the unit. The Landlord claims an order of possession and unpaid rent.

Analysis

Section 47 of the Act provides that a tenant who receives a one month notice to end tenancy for cause has 10 days to dispute the notice. Section 55(2) of the Act provides that where a notice to end the tenancy has been given by the landlord, the tenant has not disputed the notice by making an application for dispute resolution and the time for making that application has expired, a landlord may request an order of possession. Given the undisputed evidence that the Tenants received the Notice, did not dispute the Notice or pay the rent indicated on the Notice, and have not moved out of the unit, I find that the Landlord is entitled to an order of possession.

Section 26 of the Act provides that a tenant must pay the rent when and as provided under the tenancy agreement whether or not the landlord complies with this Act, the regulations or the tenancy agreement. As only Tenant WC is a signatory to the tenancy agreement I find that the Landlord may only make its monetary claim against this Tenant. Based on the Landlord's undisputed evidence I find that the Landlord is entitled to its monetary claim of **\$2,200.00** for unpaid rent for the months July to October 2018 inclusive. As the Landlord's claims have been successful I find that the Landlord is also entitled to recovery of the **\$100.00** filing fee for a total entitlement of **\$2,300.00**. Deducting the security deposit plus zero interest of **\$275.00** from this entitlement leaves **\$2,025.00** owed by the Tenant to the Landlord. As only Tenant WC signed the tenancy agreement I make the monetary order in this Tenant's name alone.

Conclusion

I grant an Order of Possession to the Landlord. The Tenant must be served with this **Order of Possession**. Should the Tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I order that the Landlord retain the **security deposit** and interest of \$275.00 in partial satisfaction of the claim and I grant the Landlord an order under Section 67 of the Act for the balance due of **\$2,025.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

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: October 25, 2018

Residential Tenancy Branch