



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNRL & FFL

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 \$3900 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 Notice to End Tenancy was personally served on the Tenant(s) on October 16, 2019. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was personally served on the tenants on November 8, 2019. 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 retain all or a portion of the security deposit/pet deposit?
- d. 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 October 1, 2019, end on October 1, 2020 and become month to month

after that. The rent is \$1300 per month payable in advance on the first day of each month. The tenant(s) failed to pay the security deposit of \$650 as required by the tenancy agreement. .

The tenants failed to pay the rent for the months of October, 2019, November 2019 and December 2019 and the sum of \$3900 remains owing.

The tenant(s) continue to reside in the rental unit. .

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. The Tenants' application to cancel the 10 day Notice to End Tenancy was dismissed on November 21, 2019 as no one appeared. The landlord testified she was never served with the Tenants' application or she would have attended. The tenant acknowledged that he failed to pay the rent for October 2019, November 2019 and December 2019. He stated he did not take possession until the middle of October and that he did work for the landlord. I prefer the landlord's evidence as confirmed in the written tenancy agreement that the tenancy started on October 1, 2019. Accordingly, I granted the landlord an Order for Possession.

The Tenant stated he is out of town visiting in Calgary and is not scheduled to return until January 6, 2019. The landlord testified they need the Tenant to vacate as soon as possible. and are prepared to hire the services of a Bailiff. Normally where there is a non payment of rent over an extended period of time the Order of Possession would be on 2 days notice. In the circumstance given we are in the Christmas period I determined that it was appropriate to set the Order of Possession for December 31, 2019.

The tenant(s) 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, 2019, November 2019 and December 2019 and the sum of \$3900 remains owing. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord

a monetary order in the sum of \$3900 plus the sum of \$100 in respect of the filing fee for a total of \$4000.

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: December 19, 2019

Residential Tenancy Branch