



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FFL, OPR, MNR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the Act) for:

- an Order of Possession for unpaid rent pursuant to section 55;
- a monetary order for unpaid rent and for money owed or compensation for damage or loss under the Act, regulation or tenancy agreement pursuant to section 67; and
- authorization to recover his filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I waited until 11:10 a.m. in order to enable them to connect with this teleconference hearing scheduled for 11:00 a.m. The landlord attended the hearing and was given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses.

The landlord gave written evidence and sworn oral testimony that copies of the landlord's dispute resolution hearing package was handed to the tenant on November 14, 2019 in the presence of a witness. I am satisfied that the landlord has served the tenant notice of this hearing in accordance with section 89 of the Act. The hearing proceeded and completed on that basis.

Issues(s) to be Decided

Is the landlord entitled to an Order of Possession for unpaid rent?

Is the landlord entitled to a monetary award for unpaid rent?

Is the landlord entitled to recover the filing fee for this application from the tenants?

Background and Evidence

The tenancy began on or about January 1, 2018. Rent in the amount of \$700.00 is payable in advance on the first day of each month. The landlord continues to hold the tenants' \$225.00.00 security deposit. The tenant failed to pay rent in the month October and on October 26, 2019 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of November 2019 to January 2020, inclusive. The landlord testified that the tenant made some partial payments but still seeks the order of possession. The landlord advised that as of today's hearing the amount of unpaid rent is \$900.00.

The landlord seeks the following:

Item	Amount
Unpaid October 2019 Rent	\$150.00
Unpaid November 2019 Rent	250.00
Unpaid December 2019 Rent	250.00
Unpaid January 2020 Rent	250.00
Filing Fee	100.00
Total Monetary Order	\$1000.00

Analysis

The tenant failed to pay their rent in full within five days of being deemed to have received the 10 Day Notice. The tenant has not made application pursuant to section 46(4) of the *Act* within five days of being deemed to have received the 10 Day Notice. In accordance with section 46(5) of the *Act*, the tenants' failure to take either of these actions within five days led to the end of their tenancy on the corrected effective date of the notice.

In this case, this required the tenant to vacate the premises by November 5, 2019. As that has not occurred, I find that the landlord is entitled to a 2 day Order of Possession. The landlord is granted an Order of Possession pursuant to Section 55 of the *Act*, which must be served on the tenant. If the tenant does not vacate the rental unit within the 2 days required, the landlord may enforce this Order in the Supreme Court of British Columbia.

Based on the undisputed evidence provided by the landlord, I am satisfied that the tenant continues to owe the landlord unpaid rent. Although the landlord has not applied to retain the security deposit, using the offsetting provision under Section 72 of the Act, I hereby apply the security deposit against the amount of unpaid rent. The landlord is also entitled to the recovery of the \$100.00 filing fee. I issue a monetary award in the landlord's favour in the amount of \$775.00.

Conclusion

The landlord is granted an order of possession and a monetary order of \$775.00. The landlord is entitled to keep the deposit. The tenancy is terminated.

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: January 06, 2020

Residential Tenancy Branch