



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Creators Creation Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPR-DR, OPRM-DR, FFL

Introduction

This hearing was reconvened from a direct request proceeding in response to an application by the Landlord pursuant to the *Residential Tenancy Act* (the “Act”) for Orders as follows:

1. An Order of possession - Section 55;
2. A Monetary Order for unpaid rent - Section 67; and
3. An Order to recover the filing fee for this application - Section 72.

The Parties were each given full opportunity under oath to be heard, to present evidence and to make submissions.

Preliminary Matters

The Tenant provides a different spelling of its last name than as set out in the Landlord’s application. The Landlord agrees that this is the correct spelling and agrees that the application should be amended to reflect the correct spelling. Given the Landlord’s agreement, I amend the application to set out the different spelling of the Tenant’s last name.

The Landlord clarifies that the corporate landlord named on this application owns the unit.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to unpaid rent?

Is the Landlord entitled to recovery of the filing fee?

Background and Evidence

The following are agreed or undisputed facts: The tenancy started on February 1, 2017 prior to the Landlord's purchase of the unit. Rent of \$1,000.00 is payable on the first day of each month. No security deposit was collected. The Tenant failed to pay rent for November and December 2020 and on December 6, 2020 the Landlord served an adult residing in the unit with a 10-day notice to end tenancy for unpaid rent (the "Notice").

The Notice sets out an effective date of December 17, 2020 and unpaid rent of \$2,000.00 due December 1, 2020. The Tenant did not dispute the Notice, has not paid the rental arrears set out on the Notice, has not moved out of the unit and has not paid rent for January to April 2021, inclusive.

Analysis

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 Tenant received the Notice, did not dispute the Notice and has 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. Based on the undisputed evidence of unpaid rent I find that that Landlord has substantiated an entitlement to \$6,000.00 for the period November 2020 to April 2021, inclusive.

As the Landlord's application has been successful, I find that the Landlord is entitled to recovery of the \$100.00 filing fee for a total entitlement of \$6,100.00.

Conclusion

I grant the Landlord an order under Section 67 of the Act for **\$6,100.00**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

I grant an Order of Possession to the Landlord effective two days after its service on the Tenant. 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.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the Act.

Dated: April 19, 2021

Residential Tenancy Branch