



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MND, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession and a monetary order for rent and utilities, compensation for damages, and to recover the RTB filing fee. The landlord also applies to retain the security deposit.

The landlord participated in the teleconference hearing. The tenant did not attend. The landlord gave evidence that she served the tenant with the Notice of a Dispute Resolution Hearing and Landlord's Application for Dispute Resolution by personal service on January 27, 2014. I find that the tenant was properly served.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?
Is the landlord entitled to a monetary order as claimed?

Background and Evidence

The landlord gave evidence that the tenant is one of several people who rent rooms in the upper unit of the rental property. The landlord's evidence is that pursuant to a verbal tenancy agreement the tenant is obligated to pay \$450.00 monthly in rent in advance on the first day of the month and to reimburse the landlord for gas and hydro. The tenant did not pay a security deposit.

The landlord gave evidence that she served the tenant with a Notice to End Tenancy for Unpaid Rent or Utilities (the "Notice") by personal service on January 3, 2014. The Notice specifies that the tenant owes \$150.00 in rent that was due on January 1, 2014 and the tenant also owes \$20.00 in gas and \$65.00 in hydro that was due on January 3, 2014.

The landlord's evidence is that the tenant has made no payments for rent or utilities since she served him with the Notice.

The landlord also gave evidence that the tenant punched a hole in the wall of the rental unit bedroom. She estimates that it will cost about \$100.00 to repair the damage. The landlord also gave evidence that in January 2014 the tenant pushed the landlord's husband down and the fall caused the landlord's husband to suffer physical pain. The landlord did not claim compensation for any physical injury suffered by her husband in the altercation.

Analysis

I find that the tenant received the Notice on January 3, 2014. I accept the landlord's undisputed evidence that the tenant did not pay the outstanding rent or utilities that were specified in the Notice. The tenant also did not apply to dispute the Notice. He is therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. I grant the landlord an order of possession which must be served on the tenant. Should the tenant fail to comply with the order, it may be filed for enforcement in the Supreme Court.

I accept the undisputed evidence of the landlord and I find that the tenant did not pay \$150.00 in rent that was due for the month of January 2014 and \$85.00 that was due in utilities in the month of January 2014. The landlord sought compensation for the tenant's occupation of the rental unit in February 2014, however the tenant may vacate the rental unit shortly so the appropriate amount of compensation for February 2014 occupation is not yet calculable. I dismiss this claim with leave to reapply.

I accept the evidence of the landlord that the tenant caused damage to the rental unit by punching a hole in the wall. The landlord is entitled to compensation of \$100.00 for this damage. She is also entitled to recover her RTB filing fee of \$50.00.

The amount due to the landlord is \$385.00 in total. There is no security deposit to offset the amount owing. I therefore grant the landlord an order under Section 67 for the amount of \$385.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession and a monetary order of \$385.00.

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: February 03, 2014

Residential Tenancy Branch

