



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Codes: MNR, OPR, FF

Introduction:

This was an application by the landlord for an Order for Possession, a Monetary Order and an Order pursuant to a Notice to End the Tenancy for non-payment of rent on December 2, 2015. Only the landlord attended the conference call hearing.

Issues:

Is the landlord entitled to an Order for Possession and Monetary Order?

Service of Documents:

Based on the evidence of the landlord I found that the tenants were served with the Notice to End the Tenancy and the Application for dispute resolution by handing it to them on December 2, 2015 and December 22, 2015 respectively.

Background and Evidence:

The landlord testified that the tenancy began on July 10, 2014 with rent in the amount of \$ 900.00 due in advance on the first day of each month. The tenants paid a security deposit of \$ 450.00 on July 10, 2014. The landlord testified that the arrears from September through December 2015 were \$ 1,300.00 and that the tenants had not paid any rent for January 2016 for a total claim of \$ 2,200.00.

Analysis:

The tenants have not paid all the outstanding rent on time and have not applied for arbitration to dispute the Notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the Notice. Based on the above facts I find that the landlord is entitled to an order for possession effective two days after service on the tenants.

I find that the landlord has established a claim for unpaid rent totalling \$ 2,200.00 and the filing fee of \$ 50.00 however as the landlord has only specified \$ 1,300.00 in the Application for Dispute Resolution I allow only that amount inclusive of the filing fee.

Conclusion:

I have granted the landlord an Order for Possession. This order may be filed in the Supreme Court and enforced as an Order of that Court. I order that the landlord retain the deposit and interest of \$ 450.00 and I grant the landlord an order under section 67 for the balance due of **\$ 850.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court. This Decision and all Orders must be served on the tenants as soon as possible. The landlord has leave to reapply for any further loss of rent or revenue.

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 12, 2016

Residential Tenancy Branch

