



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, OPR, MNR

Introduction

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An Order for Possession
- b. A monetary order in the sum of \$1742 for unpaid rent.
- c. An order to recover the cost of the filing fee.

A hearing was conducted by conference call in the presence of a representative of the applicant and in the absence of the respondent although duly served. On the basis of the solemnly affirmed evidence presented at that hearing, a decision has been reached. All of the evidence was carefully considered.

I find that the 10 day Notice to End Tenancy was served on the Tenant by mailing, by registered mail to where the tenant resides on February 12, 2016. Further I find that the Application for Dispute Resolution/Notice of Hearing was served on the tenant by mailing, by registered mail to where the tenant resides on March 4, 2016. The Act provides that it is deemed received 5 days after mailing. I determined there was sufficient service even though the tenant refused to pick up her registered mail. 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 recover the cost of the filing fee?

Background and Evidence

On June 28, 2005 the parties entered into a written tenancy agreement that provided that the tenancy would start on July 1, 2005 and continue on a month to month basis. The tenancy agreement provided the rent was to be \$1200 per month payable in advance on the first day of each month.

The rent was subsidized and the tenant paid a subsidized rent of \$257 per month for an extended period of time. However, the subsidy for the rental unit was lost due to the expiry of the Operating Agreement with the Government and the rent was set at \$1000 per month

effective January 1, 2016. The tenant struggled paying the rent for January 2016 was reduced to \$257. The tenant failed to pay the rent for February and the sum of \$742 is owed. The tenant paid the rent of \$1000 for March. It was accepted for "use and occupation only". The tenant paid the rent of \$1000 for April plus an additional \$25. The payment was accepted by the landlord for "use and occupation only." The amount that remains outstanding is \$717.

Analysis - Order of Possession:

I determined the landlord was entitled to an Order for Possession. There is outstanding rent. The Tenant(s) have not made an application to set aside the Notice to End Tenancy and the time to do so has expired. In such situations the Residential Tenancy Act provides the tenant is conclusively presumed to have accepted that the tenancy ends on the effective date of the notice, and must vacate the rental unit by that date. Accordingly, I granted the landlord an Order for Possession. I set the effective date of the Order for Possession for April 30, 2016 as the rent has been paid for April 2016.

The tenant 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 February 2016 and the sum of \$717 remains outstanding. I granted the landlord a monetary order in the sum of \$717 plus the sum of \$100 in respect of the filing fee for a total of \$817.

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 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: April 07, 2016

Residential Tenancy Branch

