



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding Habitat Housing Society  
and [tenant name suppressed to protect privacy]

## **DECISION**

Dispute Codes      FF, OPR

### Introduction

This is an application brought by the Landlord(s) requesting an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and requesting recovery of the \$100.00 filing fee.

This application was originally to be dealt with through the direct request preceding however the adjudicator determined that it must proceed to a participatory hearing and stated the following in her decision:

**Notices of Reconvened Hearing are enclosed with this interim decision. The applicant must serve the Notice of Reconvened Hearing, the interim decision, and all other required documents, upon the tenant within three (3) days of receiving this decision in accordance with section 89 of the Act.**

The applicant(s) testified that the notice of the hearing, interim decision, and hearing documents were posted on the tenants door on March 8, 2018; however the respondent did not join the conference call that was set up for the hearing.

Documents posted on the door are deemed served 3 days after posting and therefore it is my finding that the respondent has been properly served with notice of the hearing and I therefore conducted the hearing in the respondent's absence.

All testimony was taken under affirmation.

### Issue(s) to be Decided

The issue is whether or not the landlords have the right to an Order of Possession and recovery of their filing fee.

### Background and Evidence

The landlord's testified that this tenancy began on January 1, 2014 and the present rent is \$320.00 due on the first of each month.

The landlord's further testified that Habitat Housing Society is the present landlord of this rental property.

The landlord's further testified that the tenant had fallen behind in the rent by the amount of \$225.00 and therefore on January 25, 2018 the tenant was personally served with a 10 day Notice to End Tenancy.

The landlord's further testified that the tenant has failed to comply with that notice and has failed to pay the full outstanding amount owed, although they have accepted a total of \$180.00 for use and occupancy only.

The landlord's further testified that they worked with this tenant to try and keep the tenancy however every time they work out a payment plan the tenant defaults on that plan and therefore at this point they are requesting an Order of Possession for March 31, 2018.

### Analysis

I have reviewed the evidence provided by the landlord's, and the landlord's testimony, and it is my finding that the landlords have shown that Habitat Housing Society is the present landlord at this rental property.

I further find that the landlords have shown that the tenant had failed to pay rent totaling \$225.00, and that, on January 25, 2018, the tenant was personally served with a 10 day Notice to End Tenancy.

It is also my finding that, although the tenant has a paid a portion of the outstanding rent, it was accepted for use and occupancy only and did not reinstate the tenancy.

It is my decision therefore pursuant to section 62 of the Residential Tenancy Act that the landlords have the right to an Order of Possession and recovery of their filing fee.

Conclusion

Pursuant to sections 46 and 55 of the Residential Tenancy Act, I have issued an Order of Possession, for 1:00 PM on March 31, 2018.

Pursuant to section 72 of the Residential Tenancy Act, I have issued a monetary order in the amount of \$100.00.

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: March 28, 2018

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Residential Tenancy Branch