



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: OPR, MNCL, MNDL, MNRL & FFL

### **Introduction**

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

- a. An Order for Possession for cause
- b. A Monetary Order in the sum of \$3418 for non-payment of rent.
- c. An Order to recover the cost of the filing fee.

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:30 a.m. on November 27, 2018. A representative of the landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The representative of the landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

I find that the 10 day Notice to End Tenancy was served on the Tenant by mailing, by regular mail to where the Tenant resides on October 5, 2018. Further I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was served on the Tenant by mailing, by registered mail to where the Tenant resides on October 22, 2018. She acknowledged receipt of the documents on December 24, 2018. 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 of 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:**

The parties entered into a written tenancy agreement that provided that the tenancy would start on September 28, 2015. Rent is geared to income. The present rent is \$573 per month payable in advance on the first day of each month.

The tenant(s) failed to pay the rent over a number of months and the sum of \$1066.34 remains owing including a \$200 drywall repair.. The tenant(s) continues to reside in the rental unit. .

Analysis - Order of Possession:

The landlord testified that at this stage they are no longer interested in an Order of Possession and that they wished to withdraw this claim. As a result I order that the claim for an Order of Possession be dismissed as withdrawn.

Analysis - Monetary Order and Cost of Filing fee

I determined the tenant has failed to pay the rent over a period of time. In addition the Tenant owes \$200 for a drywall repair. I determined the sum of the sum of \$1066.34 remains outstanding. I determined the landlord has given sufficient notice of their intention to claim for all of last month as provided in the Application for Dispute Resolution. I granted the landlord a monetary order in the sum of \$1066.34 plus the sum of \$100 in respect of the filing fee for a total of \$1166.34.

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: November 27, 2018

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Residential Tenancy Branch