



# Dispute Resolution Services

Residential Tenancy Branch  
Office of Housing and Construction Standards  
Ministry of Housing and Social Development

In the matter of the *Residential Tenancy Act*, SBC 2002,c.78., as amended

Between

## Decision

Dispute Codes: OPR, MNR, MNDC, FF

## Introduction

This hearing dealt with an application by the Landlord pursuant to the Residential Tenancy Act for orders as follows:

- A monetary order pursuant to Section 67;
- An order of possession, pursuant to Section 55
- An order to recover the cost of filing the Application for Arbitration pursuant to Section 72.

## Background and Evidence

I find that the Notice to End Tenancy dated August 01, 2008 was served on the Tenant on August 01, 2008 by way of personal service and the Application for Arbitration dated August 11, 2008 was served on the tenant on August 11, 2008 by way of registered mail.

Despite having been served with the Notice of Arbitration, the tenant did not appear.

The landlord was given full opportunity to present evidence and make submissions. On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached.

The landlord testified that the monthly rent is \$1300. The tenancy started on January 01, 2007 and the tenant paid a damage deposit in the amount of \$ 650.00 at the start of the tenancy. The tenant has not paid rent for July, August and September 2008. The landlord posted a 24 hour notice of inspection and inspected the suite on September 02, 2008. The tenant was not present during the inspection, but the presence of his belongings in the suite, indicated that he was still in possession of the rental unit.

The landlord is making the following claims:

- \$ 3900.00 for rent owed for July, August and September 2008
- \$ 50.00 for the filing fee for this application.

### Analysis

Based on the undisputed testimony of the Landlord, I accept his affirmed evidence in respect of the claim. Pursuant to section 67 I am issuing a formal order for payment. I also order that the landlord retain the security deposit and interest of \$ 666.59 in partial satisfaction of the claim. I grant the landlord an order under section 67 for the balance of \$3283.41. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I find that the landlord is entitled to an Order of Possession. There is outstanding rent. The Tenant has not made application pursuant to Section 46 to set aside the Notice to End a Residential Tenancy and the time to do so has expired. In these situations, the Residential Tenancy Act provides that the tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice. Pursuant to section 55(2) I am

issuing a formal order of possession effective 2 days after service. The Order may be filed in the Supreme Court for enforcement.

September 9, 2008

Date of Decision