



# Dispute Resolution Services

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

## DECISION

**Dispute Codes** 55, 67, 72

### INTRODUCTION

This hearing dealt with an application by the landlord who is seeking orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55;
3. An Order to retain the security and/or pet deposit pursuant to Section 38; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Notice to End Tenancy for unpaid rent and utilities and the Application for Dispute Resolution hearing package by posting them to the rental unit door.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

### FINDINGS

#### Order of Possession

At the hearing of this matter the landlord requested an Order of Possession. I find that the landlord is entitled to an Order for 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* says that the tenant has accepted that the tenancy has or will end on the effective date set out on the Notice. The landlord has requested that the tenants be given 7 days notice. The Order of Possession must be served on the tenants without delay. Should the tenants fail to comply with this Order the landlord may register the Order with the Supreme Court of British Columbia for enforcement by the Bailiff.

#### Monetary Order

The parties agreed that tenant made a partial payment of the sum sought on the Notice to End Tenancy. However there remains outstanding rent and utility arrears and the tenant remains in possession of the property. I therefore grant the landlord a monetary order in the sum of \$3,221.34 which sum represents \$421.34 in outstanding utilities and \$2,800.00 rent for the month of September 2008.

## **Dispute Resolution Services**

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

### **Security Deposit**

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

### **Filing Fees**

I find that the landlord is entitled to recover the filing fees paid for this application.

### **Calculation of Monetary Award**

Rental and utility arrears	\$3,221.34
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest from March 28, 2008 to the date of this Order	-906.12
Total Monetary Award	\$2,365.22