



Dispute Resolution Services

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

Dispute Codes CNR, OLC, FF, OP, MNR, MNSD

Introduction

This hearing was convened upon application filed by both tenant and the landlord. The tenant's application seeks:

1. To cancel a Notice to End Tenancy given for unpaid rent;
2. An order that the landlord comply with the Act; and
3. Recover the filing fee for the costs of this application.

The landlord's application seeks:

1. An Order of Possession;
2. A Monetary order for unpaid rent;
3. A monetary order to retain the security deposit; and
4. Recover the filing fee for the costs of this application.

The tenant did not appear however I am satisfied that he was properly served with the Notice to End Tenancy by delivery to him in person and deemed served with the Application for Dispute Resolution package by registered mail even though the landlord has testified that he has just received confirmation from Canada Post that the tenant did not pick up the registered mail.

Issues

The tenant did not appear at the date and time set for the hearing of his application and therefore his application is dismissed.

The issues to be decided are whether there are rental arrears and whether the landlord is entitled to an Order of Possession. Finally whether the landlord should recover the fees paid to file this application.



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Findings

Order of Possession

I find that the landlord is entitled to an Order for Possession because the tenant has not paid his rent. The Tenant has been served with a Notice to End Tenancy for unpaid rent and he has not paid that rent. While he did make application to cancel the Notice to End Tenancy he did not appear at the hearing to provide evidence to support his claims and his application has been dismissed.

Monetary Order

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$4,000.00 representing \$1,000.00 rent for the months of July, August, September and October, 2008.

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 Arrears	\$4,000.00
Filing Fees for the cost of this application	50.00
Less Security Deposit and interest from June 1, 2006 to the date of this Order	-308.93
Total Monetary Award	\$3,741.07