



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

**Dispute Codes:** OP, MN, FF

### **Introduction**

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

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55; and
3. 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 and the Application for Dispute Resolution hearing package by way of personal service.

The tenants did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

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

### **Issue(s) to be Decided**

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

## **Background and Findings**

### **Order of Possession**

I find that the landlord is entitled to an Order for Possession. There is outstanding rent. The tenant(s) has/have 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(s) has/have been deemed to have accepted the end of the tenancy on the date set out in the Notice.

### **Monetary Order**

#### ***Rental Arrears***

Based on the undisputed evidence of the landlord I find that there are rental arrears and I therefore grant the landlord a monetary order for rental arrears for October, November and December 2010 each in the sum of \$830.00 for a total \$2,490.00.

#### ***Filing Fees***

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

#### ***Calculation of total Monetary Award***

The landlord holds a security deposit. I will use the offsetting provisions of Section 72 of the Act to allow the landlord to retain this sum in partial satisfaction of the monetary award made in favour of the landlords as follows:

Rental Arrears	\$2,490.00
Filing Fees for the cost of this application	50.00
Less security deposit off-set	-395.00
Total Monetary Award	\$2,145.00

### **Conclusion**

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.