



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MND, MNR, MNSD, MNDC, 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 deemed served with the Notice to End Tenancy by way of posting the Notice to the rental unit and the Application for Dispute Resolution hearing package sent by way of registered mail.

Both parties attended the hearing and gave evidence under oath.

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

The evidence of the tenant is that he has not paid rent for December 2010 or January 2011. Further, 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 tenants have been deemed to have accepted the end of the tenancy on the date set out in the Notice. Based on that Notice this tenancy ended on December 12, 2010 and the landlord is therefore entitled to an Order of Possession effective 2 days after service on the tenants.

Monetary Order

Rental Arrears

Based on the evidence of the tenant and the landlord, I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$1,600.00 being \$800.00 rent per month for the months of December 2010 and January 2011.

Filing Fees

As the landlord has been successful in her application, I find that she is entitled to recover the filing fees she paid for this application.

Security Deposit

The landlord has applied to retain the security deposit, as I have granted her a monetary award for rental arrears, I will allow the landlord to retain the security deposit in partial satisfaction of that monetary award.

Calculation of total Monetary Award

Rental Arrears	\$1,600.00
Filing Fees for the cost of this application	50.00
Less Security Deposit paid May 1, 2009 (no interest accrued)	-425.00
Total Monetary Award payable by the tenants to the landlord	\$1,225.00



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Page: 3

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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 is enforceable 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 tenants fail to pay this sum forthwith, this Order is enforceable as an Order of the Provincial Court of British Columbia.