



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

**Dispute Codes:** OPR, OPC, OPB, MNR, CNC, CNR, FF

### **Introduction**

This hearing dealt with applications by both the tenant and the landlord.

The tenant seeks to:

1. To cancel a Notice to End Tenancy; and
2. An order to recover the filing fee paid for this application pursuant to Section 72.

The landlord seeks:

1. An Order of Possession;
2. A monetary Order for unpaid rent; and
3. An order to recover the filing fee paid for this application pursuant to Section 72.

The landlord gave evidence that the tenant was served with the Notice to End Tenancy for unpaid rent in person at 5:00 p.m. on January 21, 2011. Given this evidence and as the tenant applied to dispute that Notice I am satisfied that she was served with the Notice. As both parties appeared at the hearing, I am satisfied that both parties were duly served with their respective Applications for Dispute Resolution hearing packages.

While both parties did attend the hearing prior to the parties being sworn in, the tenant disconnected from the conference call. The tenant did not return to the conference call hearing. The hearing then proceeded with respect to the landlord's claims and the tenant's claims are dismissed as she has not appeared at the hearing to make her claims.

The landlord 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**

I find that the landlord is entitled to an Order for Possession. There is outstanding rent. While the tenant did make application to dispute the Notice she did not remain at the hearing to give evidence or show cause that her rent is paid and the landlord testified that it has not been paid. 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.

As I have issued an Order of Possession based on a Notice given for unpaid rent the landlord's applications for an Order of Possession based on either breach of the tenancy agreement for cause as dismissed as not required.

#### **Monetary Order**

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

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$1,200.00 representing rental arrears for January 2011.

##### ***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 of \$600.00 paid December 10, 2010. I will use the offsetting provisions of Section 72 of the Act to allow the landlords to retain this sum in partial satisfaction of the monetary award made in favour of the landlords as follows:

Rental Arrears	\$1,200.00
Filing Fees for the cost of this application	50.00
Less security deposit off-set	-600.00
Total Monetary Award in favour of Landlord	\$650.00

### **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.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.