



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

Dispute Codes: OP, MNR, 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 for unpaid rent;
2. An Order of Possession; 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 tenant 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

The landlord testified that the tenant vacated the rental unit and he no longer requires the Order of Possession.

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 in the sum of \$1,350.00 representing \$450.00 rent not paid for January 2011 and full rent for February 2011 in the sum of \$900.00 because the tenant did not give notice of his intent to vacate the rental unit.

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 \$450.00 paid December 1, 2010. 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	\$1,350.00
Filing Fees for the cost of this application	50.00
Less security deposit off-set	-450.00
Total Monetary Award	\$950.00

Conclusion

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*.
