



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: OPR, OPC, 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;
3. An Order to retain the security and/or pet deposit pursuant to Section 38; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenants were properly served with the 10 day Notice to End Tenancy for unpaid rent by way of personal service on February 2, 2011 and the Application for Dispute Resolution hearing package also by way of personal service.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

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. While the landlord has issued two Notices to End Tenancy: a 10 day Notice to End Tenancy for Unpaid rent and a 2 month Notice to End Tenancy for Cause, I find that the landlord is entitled to an Order of Possession based on the fact that 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 tenants have been deemed to have accepted the end of the tenancy on the date set out in the Notice which states that the tenancy ended on February 12, 2011.

As an Order of Possession is being issued with respect to the 10 day Notice to End Tenancy for unpaid rent it is not necessary to hear evidence with respect to the landlord's application for an Order of Possession based on the Notice to End Tenancy issued for cause. That application is therefore dismissed.

Monetary Order

Rental Arrears

The tenants agree that they have not paid rent for February 2011. Rent is \$1,400.00 per month and I find that the landlords are entitled to a monetary order for that sum.

Security Deposit

I find further that the landlord is entitled to retain the security deposit and any interest accrued 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 total Monetary Award

Rental Arrears	\$1,400.00
Filing Fees for the cost of this application	50.00
Less Security Deposit paid November 1, 2010 – no interest accrued	-700.00
Balance owing by the tenants to the landlord	\$750.00

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*.