

## **DECISION**

**Dispute Codes:** OPR, 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 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.

Both parties appeared. Based on the evidence of the parties I am therefore satisfied that the tenants were duly served with the Notice to End Tenancy for unpaid rent and the Application for Dispute Resolution hearing package. Both parties were given a full opportunity to be heard and 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 (unpaid rent) 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 tenants 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.

## **Monetary Order**

### ***Rental Arrears***

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$3,240.00 representing \$540.00 in rental arrears for March 2011 and full rent of \$1,350.00 for each of April and May 2011. The parties gave evidence that the landlord does not hold a security deposit.

### ***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	\$3,250.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$3,300.00

## **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.