



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR, OP, 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 Application for Dispute Resolution hearing package by way of registered mail.

Both parties appeared and were 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

I find that the landlord is entitled to an Order for Possession. There is outstanding rent. 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 tenant has been deemed to have accepted the end of the tenancy on the date set out in the Notice.

Monetary Order

Rental Arrears

The landlord gave evidence that when the 10 day Notice to End Tenancy was issued and served the tenant owed the full amount of September's rent of \$975.00. The tenant made a payment of \$475.00 on September 8, 2011 and a further payment on the same date of \$135.00 reducing the balance owing for September's rent and late fees, as agreed to in the tenancy agreement, to \$380.26. The tenant then did not pay October rent of \$975.00 and the balance now owing along with a \$20.00 late payment fee for October is \$1,375.26.

The landlord remains at liberty to apply for loss of revenue and/or compensation for damage or loss as the case may be.

Using the offsetting provisions of the *Residential Tenancy Act* I will apply the security deposit to the 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	1,375.26
Filing Fees for the cost of this application	50.00
Total Monetary Award	937.76

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*.

Dated: October 24, 2011.

Residential Tenancy Branch