



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, 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 tenant was properly served with the Notice to End Tenancy by way of posting the Notice to the rental unit door.

I accept that the tenant was properly served with the Application for Dispute Resolution hearing package by way of registered mail.

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**

Based on the undisputed evidence of the landlord I find that the landlord is entitled to an Order for Possession. 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 tenant(s) has/have been deemed to have accepted the end of the tenancy on the date set out in the Notice.

### **Monetary Order**

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

The landlord seeks the sum of \$26,821.00 in rental arrears calculated as follows:

Reduced rent (as agreed) for January 2012	\$5,821.00
Rent for March	7,000.00
Rent for April	7,000.00
Total	\$26,821.00

I am unable to hear a claim that exceeds my financial jurisdiction of \$25,000.00. the landlord submitted that he is aware of this and is reducing his claim to \$25,000.00. Based on the undisputed evidence of the landlord I find that the landlord has met the burden of proving that there are rental arrears. I find the landlord is entitled to recovery \$25,000.00 of those arrears.

#### ***Security Deposit***

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

#### ***Filing Fees***

As I am only able to hear claims of \$25,000.00 I have declined to hear that portion of the landlord's claim seeking to recover the filing fees paid for this application.

***Calculation of total Monetary Award***

Rental Arrears	\$25,000.00
Total Monetary Award	\$21,550.00

**Conclusion**

The landlord is provided with a formal copy of an order of possession. This is a final and binding Order enforceable as any 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. This is a final and binding Order enforceable as any 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: May 15, 2012.

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Residential Tenancy Branch