



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing was convened following an Application for Review filed by the tenant. In that Application the tenant sought to have a rehearing of a matter heard by a Direct Request Proceeding. In a decision rendered in response to the tenant's application for review a new hearing was granted.

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; and
2. An Order of Possession pursuant to Section 55.

I accept that the tenant was properly deemed 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 and with Notice of this new hearing 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

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 did not attend this hearing to show that his rent was paid nor has he 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 this tenancy began on April 1, 2012 for a fixed term of four months. Rent was fixed at \$1,500.00 per month payable on the first of each month. Although the landlord requested a security deposit of \$750.00 the landlord testified that the tenant has not paid that deposit. Further, the landlord testified that the tenant has paid no rent whatsoever since moving into the rental unit on April 1, 2012. 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 of those arrears. I will award the landlord a monetary order for rental arrears in the sum of \$4,500.00 representing rent of \$1,500.00 for each of April, May and June 2012.

Conclusion

The landlord is provided with a formal copy of an immediate order of possession. This is a final and binding Order enforceable as any Order of the Supreme 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: June 07, 2012.

Residential Tenancy Branch