



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **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 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.

I accept that the tenant was properly served with the Notice to End Tenancy and the Application for Dispute Resolution hearing package both by way of personal service.

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**

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 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***

Based on the undisputed evidence of the landlord I find that there are rental arrears. I therefore grant the landlord a monetary order in the sum of \$1,590.00 calculated as follows:

Rent for May	\$895.00
Less payment made June 15, 2012	-200.00
Rent for June	895.00
Total Rental Arrears	\$1590.00

***Filing Fees***

I find that the landlord is entitled to recover the filing fees paid for this application.

***Calculation of total Monetary Award***

The landlord holds a security deposit of \$437.50 paid in February 2010 with no interest accruing. I will use the offsetting provisions of Section 72 of the Act to allow the landlords to retain this sum in partial satisfaction of the monetary award made in favour of the landlords as follows:

Rental Arrears	\$1,590.00
Filing Fees for the cost of this application	50.00
Less security deposit off-set	-437.50
Total Monetary Award	\$1,202.50

**Conclusion**

The landlord is provided with a formal copy of an Order of Possession. This is a final and binding Order enforceable as any other 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 other 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: June 19, 2012.

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Residential Tenancy Branch