



# Dispute Resolution Services

Page: 1

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 on May 23, 2012.

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**

The landlord testified that the tenant vacated the rental unit on July 1, 2012 at 1 p.m. the landlord does not therefore require an Order of Possession.

### **Monetary Order**

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

Based on the undisputed evidence of the landlord I find the landlord is entitled to recovery of rental arrears for June 2012 as the rent cheque was returned due to insufficient funds and the tenant is responsible for July 2012 rent because she continued to occupy the rental unit until July 1 and the landlord was unable to re-rent the premises for that date.

#### ***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***

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

### ***Calculation of total Monetary Award***

Rent for June and July 2012	\$1,790.00
Filing Fees for the cost of this application	50.00
Less Security Deposit (not interest accrued)	-447.50
Total Monetary Award	\$1,392.50

## **Conclusion**

The landlord is provided with a formal copy of an order of possession. This is a final and binding Order enforceable as any 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: July 03, 2012.

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Residential Tenancy Branch