



# 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; and
3. An Order to recover the filing fee pursuant to Section 72.

I accept the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of mailing it by express post to the tenant.

I accept the landlord's evidence that the tenant was properly served with the Application for Dispute Resolution including the Notice of Hearing and the landlord's evidence by way of registered mail.

Both parties attended the hearing and were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

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 tenant did not disagree with the landlord's evidence, therefore based on the undisputed evidence 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 tenant did not disagree with the landlord's accounting of rental arrears, therefore based on the undisputed evidence I find that the landlord is entitled to a monetary Order for rental arrears totalling \$1,500.00 being \$750.00 for each of December 2012 and January 2013. The tenant testified that she will vacate the rental unit February 1, 2013. The landlord expressed concern that she cannot show the rental unit while the tenant is there with her dogs and therefore the landlord cannot begin looking for a new tenant. The landlord has claimed February rent in addition to the rental arrears. The landlord may still be able to rent the unit mid-month in February and on that basis I will dismiss her claim for February's loss of revenue with leave to reapply.

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

As the landlord has been successful in this application I find that the landlord is entitled to recover the filing fees paid for this application.

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

Using the off-setting provisions of the Residential Tenancy Act I will award the security and pet deposits to the landlord and off-set them from the monetary award made herein.

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

Rental Arrears	\$1,500.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-375.00
Pet Deposit	-375.00
Interest from the date the deposit was paid to the date of this Order	0.00
Total Monetary Award	\$800.00

### **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: January 29, 2013

  
D. SIMPSON, Arbitrator  
Residential Tenancy Branch

