



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### **Dispute Codes**

OPR, MNR, MNSD, FF  
CNR, OLC, RP, RR

### **Introduction**

This hearing was convened in response to applications filed by both the tenant and the landlords.

The tenants' application seeks:

1. To cancel a Notice to End Tenancy given for unpaid rent;
2. An Order that the landlord comply with the Act;
3. An Order that the landlord make repairs to the unit, site or property; and
4. An Order that the landlord be allowed to reduce rent for repairs, services or facilities agreed upon but not provided.

The landlord seeks:

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.

The tenants did not appear, their application is therefore dismissed.'

I accept the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of personal service.

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 and personal service.

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. While the tenants did make application pursuant to Section 46 to set aside the Notice to End a Residential Tenancy they did not appear at the hearing to perfect their application and it has been dismissed.

#### **Monetary Order**

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

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 \$750.00 representing rent for January 2013.

##### ***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***

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

***Calculation of total Monetary Award***

Rental Arrears	\$750.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-375.00
Interest from the date the deposit was paid to the date of this Order	0.00
Total Monetary Award	\$425.00

**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 30, 2013

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Residential Tenancy Branch

