



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAGSEN REALTY INC.
and [tenant name suppressed to protect privacy]

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 by way of posting the Notice to the rental unit door and with the Application for Dispute Resolution hearing package by way of registered mail.

Both parties appeared at the hearing and gave evidence under oath.

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, NSF fees and recovery of the filing fee.

Background and Findings

Order of Possession

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

I find that there are rental arrears and I therefore grant the landlord a monetary order calculated as follows:

February Rent	\$1,150.00
NSF Fee for January's rent	20.00
March Rent	1,150.00
April Rent	1,150.00
Total	\$3,470.00

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. I will use the offsetting provisions of Section 72 of the Act to allow the landlord to retain this sum in partial satisfaction of the monetary award made in favour of the landlords as follows:

Rental Arrears and NSF fees as set out above	\$3,470.00
Filing Fees for the cost of this application	50.00
Less security deposit off-set	-575.00
Total Monetary Award	\$2,945.00

Conclusion

The landlord is provided with a formal copy of an Order of Possession. This is a final and binding Order 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 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: April 03, 2013

Residential Tenancy Branch

