



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OP, MN, 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.

The tenants did not appear. The landlord testified that she could not say when the tenant's were served with the 10 day Notice to End Tenancy because the other landlord, AK, served the Notice. In evidence, the landlord submitted a Proof of Service form stating that AK served the tenants in person on March 18, 2013 at 4:30 p.m. In the absence of evidence to the contrary I will accept this evidence and find that the tenants were duly served with the 10 day Notice to End Tenancy.

The landlord gave evidence that the tenants were served with Notice of this hearing and the Application for Dispute Resolution also by way of personal service by AK on the tenants on March 28, 2013 at 6:00. In the absence of evidence to the contrary I will accept this evidence and find that the tenants were duly served with the 10 day Notice to End Tenancy.

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

I find that the landlord is entitled to an Order for Possession. There is outstanding rent. The tenants have 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 tenants have 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 as claimed. I therefore grant the landlord a monetary order in the sum of \$6,000.00 representing \$3,000.00 rent for each of March and April, 2013.

The landlord has also claimed \$1,500.00 as the unpaid security deposit however, if a deposit had been paid it would be applied against the rental arrears awarded in this Decision and deducted from the monetary Order made in favour of the landlord. Based on the landlord's evidence that no deposit was paid a deduction will not be made. Further, as this tenancy is ending, payment of a security deposit will not be ordered as it is no longer required.

Filing Fees

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

Calculation of total Monetary Award

Rental Arrears	\$6,000.00
Filing Fees for the cost of this application	50.00
Total Monetary Award	\$6,050.00

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 25, 2013

Residential Tenancy Branch

