



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding AFFORDABLE HOUSING ADVISORY ASSOCIATION
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

This hearing dealt with an application by the landlord pursuant to the Residential Tenancy Act for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

The tenant did not attend. The landlord provided evidence that the tenant was served with the Notice to end Tenancy by registered mail, although she never picked it up, and with the Application for Dispute Resolution by registered mail which was successfully delivered. I find the documents were legally served for the purposes of this hearing.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated February 4, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord said that the tenant is now in a care facility and had lived in the unit since 1988. On July 15, 1988, the tenant paid a security deposit of \$100 and the current rent is now \$452. The tenant has not paid rent for February, March and April 2013. The landlord requests an Order of Possession and a Monetary Order which will be forwarded to the Public Trustee.

The lease, notice to end tenancy, a rental account and registered mail receipts are in evidence.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Order of Possession

I find that the landlord is entitled to an Order of 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. An Order of Possession is issued effective April 2, 2012 as agreed by the parties.

Monetary Order

I find that there are rental arrears in the amount of \$1356 representing rental arrears for February, March and April 2013.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit with interest to offset the rental amount owing.

Filing Fees

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

Calculation of Monetary Award

Rental Arrears \$452x3	1356.00
Filing Fee	50.00
Less security deposit and interest	-168.83
Total Monetary Order to Landlord	1237.17

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: May 10, 2013

Residential Tenancy Branch