



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Elizabeth Manor
and [tenant name suppressed to protect privacy]

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. An Order of Possession;
2. A monetary Order for unpaid rent;
3. An Order to retain the security and/or pet deposit;
4. 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 posting the Notice to the rental unit door.

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 personal service.

The tenant did not appear. 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

Does the landlord have cause to end this tenancy? Is the landlord entitled to a monetary Order? Should the landlord be allowed to retain the security deposit?

Background and Findings**Order of Possession**

The landlord submitted that the tenant vacated and an Order of Possession is no longer required. This claim is therefore withdrawn.

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 calculated as follows:

Arrears from April 2013	\$ 50.00
May rent	850.00
Late rent fee (pursuant to Tenancy Agreement)	25.00
Total	\$925.00

Security Deposit

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

Filing Fees

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

Calculation of total Monetary Award in Favour of Landlord.

Rental Arrears and late fee	\$925.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-425.00
Less Interest on Deposit (if any)	0.00
Total Monetary Award	\$550.00

Conclusion

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: June 10, 2013

Residential Tenancy Branch

