



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding K & G Claire Holding Ltd.  
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. 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 the landlord's evidence that the tenant was properly served with the Notice to End Tenancy by way of personal service on June 8, 2013 at 3 p.m.

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 sent June 15, 2013.

Both parties appeared and were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

The tenant confirmed the spelling of her first name and the style of cause has been amended to reflect the correct spelling.

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. The tenant agreed that she had not paid the rent but stated that she has sought repairs which have not been completed. The tenant also testified that she did file an Application seeking to dispute the 10 day Notice to End Tenancy under file No. #####. The landlord objected stating that he has not been served with any application filed by the tenant. ##### is not a Residential Tenancy Branch file number I therefore find that the tenant has failed to show that she has made an 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***

Based on the undisputed evidence of the parties 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 \$900.00 representing rental arrears for June 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	\$900.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-450.00
Interest from the date the deposit was paid to the date of this Order	0.00
Total Monetary Award	\$500.00

**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: June 25, 2013

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Residential Tenancy Branch