



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR 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; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord provided sworn evidence that the Notice to end Tenancy dated May 14, 2013 and the Application for Dispute Resolution were both served by registered mail. It was verified online that both items went out for delivery and after attempted delivery and notifications were returned to the landlord. I find that the tenant is deemed to be served with the documents according to sections 88 and 89.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated May 14, 2013 for unpaid rent. Is the landlord now entitled to an Order of Possession and to a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend but is deemed to be served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in May 2000, no security deposit was paid and the subsidized rent was \$507 to June 2013 and is now \$519. The landlord is claiming the rental arrears of \$2052 (\$507 for each of April and May and \$519 for June and July 2013). The landlord also said there was \$55 outstanding from March 2013; when I examined the rental ledger, it appeared the \$55 was paid in cash in March and the full outstanding rent payments as listed by the landlord did agree with the total claimed. The tenant did not provide any documents to dispute the amount owing.

The landlord said he had attempted to contact the tenant and when concerned for his absence, he was informed by authorities that the tenant was safe. In evidence is the Notice to End Tenancy, a rent ledger and the lease.

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 which was May 26, 2013. An Order of Possession is issued effective two days from service.

Monetary Order

I find that there are rental arrears in the amount of \$2052 representing rental arrears from April to July 2013.

Conclusion:

I find the landlord is entitled to an Order of Possession effective two days from service and a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental arrears	2052.00
Filing fee	50.00
Total Monetary Order to landlord	2102.00

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: July 04, 2013

Residential Tenancy Branch

