



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORPORATION
and [tenant name suppressed to protect privacy]

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
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The tenant did not attend. The landlord gave evidence that the Notice to end Tenancy dated September 2, 2013 was served by posting it on the door and the Application for Dispute Resolution personally with a witness (proof of service provided). I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated September 2, 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. The landlord was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenancy commenced in November, 2011, a security deposit of \$425 and a pet damage deposit of \$200 was paid and rent is currently \$850 a month plus a \$30 parking fee. The landlord stated that the tenant had paid \$700 on October 24, 2013 but \$700 plus \$30 parking and \$20 late fee remains outstanding. She said that the tenant was provided a receipt noting the acceptance of the \$700 on Oct. 24 was "for use and occupancy only" and the tenancy was not reinstated.

The tenant provided no documents to dispute. In evidence is the rental ledger, the Notice to End Tenancy and a copy of 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 September 15, 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 \$700 plus \$30 parking and \$20 late fees representing arrears to October 31, 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 including recovery of filing fees paid for this application. The landlord does not request that the deposits be applied to the outstanding arrears so the security and pet damage deposits remain in trust with the landlord.

Calculation of Monetary Award:

Rental arrears to Oct. 31, 2013	700.00
Parking and late fees (\$30+\$20)	50.00
Filing fee	50.00
Total Monetary Order to landlord	800.00

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: October 29, 2013

Residential Tenancy Branch

