



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

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.

SERVICE:

The tenant did not attend. The landlord gave sworn evidence that he served the Notice to end Tenancy dated February 19, 2014 by posting it on the door and the Application for Dispute Resolution by registered mail. It was verified online that the Application was available for pickup from March 3, 2014 and after several notices were left, the tenant failed to pick it up. I find that the tenant was properly served with the documents according to sections 88 and 89 of the Act whether or not he chose to pick up the registered mail.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated February 19, 2014 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:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced on May 1, 2013, a security deposit of \$825 and a pet damage deposit of \$825 was paid and rent is currently \$1650 a month. The landlord stated that the tenant did not pay rent for December 2013 or February and March 2014. The landlord is claiming rental arrears and loss of \$4950 and requests to retain the security and pet damage deposits to offset the amount owing. The tenant did not submit any documents to dispute the amount owing.

In evidence is the Notice to End Tenancy, the lease and a registered mail receipt.

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 two days from service.

Monetary Order

I find that there are rental arrears and loss in the amount of \$4950 representing rental arrears and loss from December 2013 to March 31, 2014.

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 retain the deposits to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental arrears and loss to March 31, 2014	4950.00
Filing fee	50.00
Less deposits	-1650.00
Total Monetary Order to Landlord	3350.00

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: March 13, 2014

Residential Tenancy Branch

