



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD 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;
- 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:

Both parties attended and the tenant agreed she received personally the Notice to end Tenancy dated February 4, 2014 and the Application for Dispute Resolution. I find that the tenant was legally 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 February 4, 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:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced on December 1, 2013, a security deposit of \$547.50 was paid and rent is currently \$1095 a month. The tenant agreed they did not pay rent in January until February 14, 2014; she said that the female landlord agreed they could do some work for her in lieu of January rent. Both parties agreed the work was never done as the tenant lost the use of their car. The tenant said they had experienced unfortunate financial circumstances and planned to vacate as soon as possible.

After discussion, the landlord agreed to an Order of Possession effective April 19, 2014.

The landlord is claiming the rental arrears of \$2190 for rent for February and March 2014 and requests to retain the security deposit to offset the amount owing. The tenant did not dispute the amount owing.

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 April 19, 2014 as agreed by the parties.

Monetary Order

I find that there are rental arrears in the amount of \$2190 representing rental arrears for February and March 2014.

Conclusion:

I find the landlord is entitled to an Order of Possession effective April 19, 2014 and a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears Feb. & March 2014	2190.00
Filing fee	50.00
Less security deposit (no interest 2013-14)	-547.50
Total Monetary Order to Landlord	1692.50

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: April 02, 2014

Residential Tenancy Branch