



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION
and [tenant name suppressed to protect privacy]

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 and pet damage deposits pursuant to Section 38;
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Both parties attended and the tenant agreed she received the Notice to end Tenancy dated February 7, 2014 posted on the door and the Application for Dispute Resolution by registered mail. 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 7, 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 January 1, 2011, a security deposit of \$612.50 and a pet damage deposit of \$612.50 were paid and rent is currently \$1320 a month. It is undisputed that the tenant owes \$25 in an NSF fee for October 2013 plus \$1320 month for each of February, March and April 2014. The tenant said she had experienced very unfortunate circumstances.

The landlord is claiming the rental arrears of \$3960 plus \$25 NSF fee and requests to retain the security deposit and pet damage deposits to offset the amount owing. After negotiation, the landlord proposed the Order of Possession could be effective April 30, 2014 provided the full amount of April's rent was included in the monetary order. The

tenant did not dispute the amount owing and agreed with the proposal by the landlord. In evidence is the Notice to End Tenancy, the rental ledger and the lease agreement.

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. However, as agreed, an Order of Possession is issued effective April 30, 2014.

Monetary Order

I find that there are rental arrears in the amount of \$3985 representing rental arrears from February 1, 2014 to April 30, 2014 and including \$25 NSF fee.

Conclusion:

I find the landlord is entitled to an Order of Possession effective April 30, 2014 and a monetary order as calculated below. I find the landlord is entitled to retain the security and pet damage deposits to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental Arrears Feb. –April 30, 2014	3960.00
Late fee Oct. 2013	25.00
Filing fee	50.00
Less deposits (no interest 2011-14)	-1225.00
Total Monetary Order to Landlord	2810.00

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: April 02, 2014

Residential Tenancy Branch

