



# Dispute Resolution Services

Page: 1

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 MNDC 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 for rent arrears;
- 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 attended and confirmed that the Notice to end Tenancy dated April 3, 2014 was served by posting it on the tenant's door and the Application for Dispute Resolution by registered mail. 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 April 3, 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 landlord testified that tenancy commenced on April 1, 1996, rent as subsidized is \$1130 and a security deposit of \$555 was paid. The landlord testified that the tenant is in rent arrears of \$2237 of April 30, 2014 and they request an Order of Possession. She accounted for the arrears as follows: \$1130 is owed for April 2014 and \$1107 for arrears from October 2013 to March, 2014.

The tenant read a statement concerning the difficulty of completing subsidy documents and her daughter's tight schedule which makes it hard for her to do them. The tenant also has health issues and her son was unemployed for a period of time adding financial stress to the family. Her son and daughter have now moved out and she is

hoping to get relocated into a space suitable for her life as a single person. She said she found the landlord's representative to be a kind, respectful person. She asked for some time to move and the following agreement was made between the parties:

**Settlement Agreement:**

- I. An Order of Possession will be issued effective May 15, 2014 and the tenant will make every effort to vacate by then.**
- II. A Monetary Order is issued to the landlord for \$2802 representing rent owed to May 15, 2014.**
- III. This settles matters between the parties in the matter of the tenancy to this date.**

In evidence is the Notice to End Tenancy, the lease agreement and amendment, proof of service and general rent ledger.

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. Pursuant to the above noted agreement, an Order of Possession is issued effective May 15, 2014.

**Monetary Order**

I find that there are rental arrears in the amount of \$3367 to the end of May 2014. However pursuant to the above noted agreement, the tenant will vacate by May 15, 2014 and is charged rent for only half of May. Therefore a monetary order for \$2802 is issued to the landlord for rent arrears plus \$50 for the filing fee. I find the landlord did not indicate they wanted to use the security deposit to offset the amount owing so it will remain in trust to be dealt with after the tenant has vacated.

**Conclusion:**

I find the landlord is entitled to an Order of Possession effective May 15, 2014 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:

Rent agreed as owed to May 15, 2014	2802.00
Filing fee	50.00
Total Monetary Order to Landlord	2852.00

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: May 02, 2014

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Residential Tenancy Branch

