



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR OPC 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 or 47, 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's agent gave sworn testimony that the Notice to End Tenancy dated April 2, 2014 was served by posting it on the door on April 2, 2014 and the Application for Dispute Resolution by registered mail. It was verified online that after attempted delivery and several notifications, the tenant refused to claim the 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 2 for unpaid rent and a further one month Notice dated April 2 for repeated late payment of rent. Has the landlord proved on the balance of probabilities entitlement to an Order of Possession pursuant to either Notice and to a Monetary Order for rental arrears/loss of revenue and filing fee?

Background and Evidence:

The tenant did not attend although legally served with the Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced on February 1, 2014, no security deposit was paid and rent is currently \$1100 a month. The landlord testified that the tenant still has possessions on the property so is still in possession and

rent is owed for April, May and June 2014. The landlord is claiming the rental arrears of \$1100 for April and rental loss of \$2200 for May and June 2014.

In evidence are the two Notices to End Tenancy, proof of service, registered mail receipts and authorization for the agent. 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 of revenue in the amount of \$3300 representing rental arrears for April and loss of revenue for May and June 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 recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears April	1100.00
Revenue loss May and June	2200.00
Filing fee	50.00
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: June 11, 2014

Residential Tenancy Branch

