



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding PARK ROYAL VENTURES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR 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; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

The representatives of both parties attended and confirmed that the Notice to end Tenancy dated May 2, 2014 was served by posting it on the tenant's door and the Application for Dispute Resolution was served 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 is deceased and rent is unpaid. The landlord no longer requires an Order of Possession as they received possession of the unit as of July 1, 2014. Is the landlord now entitled 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 March 1, 1975, rent is now \$1298 a month and a security deposit of \$100 was paid on March 1, 1975. It is undisputed that the tenant died on April 25, 2014 and possession of the unit was not gained until June 30, 2014 when the keys were returned. Some belongings are still in the unit. The landlord requests rent arrears of \$1285 for May and rental loss of \$1298 for June 2014. The tenant's representatives did not dispute this claim.

In evidence is the Notice to End Tenancy, the lease agreement, proof of service, and a rental ledger.

On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

An Order of Possession is not required.

Monetary Order

I find that there are rental arrears in the amount of \$1285 for May 2014 and rental loss of \$1298 for June 2014. I find the landlord entitled to retain the security deposit and interest to offset the amount owing.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below and to retain the security deposit and interest to offset the amount owing. I find the landlord is entitled to recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears/loss to June 30, 2014	2583.00
Filing fee	50.00
Less security deposit & interest	-504.54
Total Monetary Order to Landlord	2128.46

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: July 03, 2014

Residential Tenancy Branch

