



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WALL FINANCIAL CORPORATION
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 tenant did not attend. The landlord gave sworn testimony that the Notice to end Tenancy dated May 2, 2014 was served by it being posted on the door and the Application for Dispute Resolution by registered mail. It was verified online that delivery was attempted, Notices were left and the registered mail was returned to the sender after the tenant failed to pick it up within 16 days. I find that the tenant is deemed to be served with the Application according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated May 2, 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:

The tenant did not attend though deemed to be served with the Application/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 in August 2008, a security deposit of \$747.50 was paid and rent is currently \$1375 a month. The landlord explained that redevelopment had occurred and the security deposit was reduced to \$687.50 in May 2012 and the rent reduced from \$1495 to the current \$1375.

It is undisputed that the tenant owes \$4095 representing a balance from May of \$1315 plus rent for June and July 2014, parking fees of \$90 and late fees of \$40 for both months and a credit of \$100 for redevelopment incentive. The landlord no longer requests an Order of Possession as she said the tenant vacated on or about Sunday July 6, 2014. The landlord does not wish to retain the security deposit to offset the amount owing but prefers to keep it in trust as the keys have not yet been returned. The tenant did not submit any documents nor attend to dispute the amount owing.

In evidence is proof of service, a rent ledger, the lease and the Notice to End Tenancy. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

Analysis

Monetary Order

I find that there are rental arrears, parking and late fees in the amount of \$4095 for May, June and July 2014 and the landlord is entitled to a monetary order for this amount.

Conclusion:

I find the landlord is entitled to a monetary order as calculated below and to recover filing fees paid for this application. The security deposit will remain in trust to be dealt with in accordance with section 38 of the Act.

Calculation of Monetary Award:

Rent May (1315) plus June & July 2014 (\$1375x2)	4065.00
Parking June and July 2014(\$45x2)	90.00
Late fees June and July 2014 (\$20x2)	40.00
Filing fee for this application	50.00
Less redevelopment incentive (\$50x2)	-100.00
Total Monetary Order to Landlord	4145.00

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: July 08, 2014

Residential Tenancy Branch

