



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 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 gave sworn testimony that the Notice to end Tenancy dated March 2, 2014 was posted on the door and the Application for Dispute Resolution was served by registered mail. It was verified online that the postal service notified the tenant several times commencing June 3, 2014 and after failure of the tenant to pick up the registered mail by June 9, 2014, it was returned to the sender. I find that the tenant is deemed to be served with the Application/Notice of Hearing according to sections 88 and 89 of the Act.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated March 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. The landlord was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in May 2009, a security deposit of \$342.50 was paid and rent is currently \$710 a month. The landlord said the tenant had now vacated, he signed an authorization for the landlord to retain the security deposit and said he would not attend this hearing for there is now only a small balance owing. The landlord claims \$107.50 for rental arrears. The tenant did not submit any documents or attend to dispute the

amount owing. In evidence is a copy of the Notice to End Tenancy, the lease, registered mail receipts and some rent receipts.

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

Analysis:

Due to administrative error, the landlord's evidence was filed incorrectly so at a hearing on May 2, 2014, the landlord withdrew his application. On May 21, 2014 as a result of a review, the parties were given this new hearing.

Order of Possession: The landlord no longer requires an Order of Possession.

Monetary Order

I find that there are rental arrears in the amount of \$107.50 representing rental arrears after the authorized deduction of the security deposit. The landlord requests a monetary order for \$107.50 plus the filing fee.

Conclusion:

I find the landlord is entitled to a monetary order as enclosed for \$157.50 (\$107.50 plus \$50 filing fee).

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 09, 2014

Residential Tenancy Branch

