



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

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 Sections 46 and 67;
- b) An Order of Possession pursuant to Sections 47, 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 April 25, 2014 was served by posting it on the tenant's door and the Application for Dispute Resolution by registered mail. It was verified online that Notices were left by Canada Post from June 10 to 26th but it was unclaimed. 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 April 25, 2014 for cause, including repeated late payment of rent. Has the landlord proved on the balance of probabilities that there is good cause to evict this tenant and obtain an Order of Possession and a Monetary Order for rental arrears and filing fee?

Background and Evidence:

The tenant did not attend although 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 landlord submitted a substantial amount of evidence to support his oral testimony. The landlord testified that tenancy commenced December 1, 2013, rent is \$1200 monthly and a security deposit of \$600 was paid on November 26, 2013.

The landlord requests an Order of Possession based on repeated late payment of rent and other causes. In evidence are receipts showing late payments in February, March April and May, 2014; there is evidence of a pattern of partial payments.

The landlord testified that the tenant is in rent arrears of \$2500 as of June 30, 2014 and they have not paid rent for July 2014 so the total owing is \$3700. The landlord requests a Monetary Order for rental arrears and loss and to retain the security deposit to offset the amount owing.

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 persuasive evidence of repeated late payment of rent as rent was late in February, March, April and May 2014 and no rent has been paid for June and July 2014. 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 in the amount of \$3700. I find the landlord entitled to a monetary order for \$3700. I find the landlord entitled to retain the security deposit to offset the amount owing.

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 retain the security deposit to offset the amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears & loss to July, 2014	3700.00
Filing fee	50.00
Less security deposit (no interest 2013-14)	-600.00
Total Monetary Order to Landlord	3150.00

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 16, 2014

Residential Tenancy Branch

