



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Coronet Realty Ltd.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: OPR, OPB / MNR / MNDC / MNSD / FF

Introduction

This hearing concerns the landlord's application for an order of possession / a monetary order as compensation for unpaid rent / compensation for damage or loss under the Act, Regulation or tenancy agreement / retention of the security deposit / and recovery of the filing fee. The landlord's agent attended and gave affirmed testimony.

The affirmed understanding of the landlord's agent is that the application for dispute resolution and notice of hearing (the "hearing package") was personally served on the tenant on or about June 02, 2014. Despite this, the tenant did not appear.

Issue(s) to be Decided

Whether the landlord is entitled to the above under the Act, Regulation or tenancy agreement.

Background and Evidence

Pursuant to a written tenancy agreement the month-to-month tenancy began on July 19, 2013. Monthly rent of \$640.00 is due and payable in advance on the first day of each month, and a security deposit of \$320.00 was collected.

Pursuant to section 47 of the Act which speaks to **Landlord's notice: cause**, the landlord issued a 1 month notice to end tenancy dated March 31, 2014. The notice was personally served on that same date. A copy of the notice was submitted in evidence. The date shown on the notice by when the tenant must vacate the unit is April 30, 2014, and the reason identified on the notice in support of its issuance is as follows:

Tenant or a person permitted on the property by the tenant has:

- significantly interfered with or unreasonably disturbed another occupant or the landlord.

The landlord's agent testified that the tenant continues to reside in the unit, and that she has paid no rent for May, June or July 2014.

The landlord's application for dispute resolution was filed on May 30, 2014, however, there is no application for dispute resolution in evidence before me from the tenant.

Analysis

Based on the documentary evidence and the affirmed / undisputed testimony of the landlord's agent, I find that the tenant was served with a 1 month notice to end tenancy for cause dated March 31, 2014. The tenant did not dispute the notice within 10 days of receiving it, and she continues to reside in the unit. The tenant is therefore presumed under section 47(5) of the Act to have accepted that the tenancy ended on the effective date of the notice. Accordingly, I find that the landlord has established entitlement to an **order of possession**.

As for compensation, I find that the landlord has established a claim of **\$2,109.50**:

\$1,920.00: *unpaid rent for May, June & July (3 x \$640.00)*

\$139.50: *window repair*

\$50.00: *filing fee*

The landlord has applied for recovery of an \$80.00 filing fee based, in part, on the time required to prepare for the hearing. In this regard section 72 of the Act addresses **Director's orders: fees and monetary orders**. With the exception of the actual \$50.00 filing fee required by the Branch, the Act does not provide for the award of costs associated with litigation to either party to a dispute. Accordingly, \$30.00 of the \$80.00 filing fee claimed is hereby dismissed.

I order that the landlord retain the security deposit of **\$320.00**, and I grant the landlord a **monetary order** for the balance owed of **\$1,789.50** (\$2,109.50 - \$320.00).

Conclusion

I hereby issue an **order of possession** in favour of the landlord effective not later than **two (2) days** after service on the tenant. This order must be served on the tenant.

Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

Pursuant to section 67 of the Act, I hereby issue a **monetary order** in favour of the landlord in the amount of **\$1,789.50**. This order may be served on the tenant, filed in the Small Claims Court and enforced as an order of that Court.

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 22, 2014

Residential Tenancy Branch

