



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPC 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 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 9, 2014 was served by posting it on the tenant's door and the Application for Dispute Resolution by registered mail. It was verified online as successfully delivered. 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 was issued a Notice to End Tenancy dated April 9, 2014 to be effective May 31, 2014 for cause. Has the landlord proved on the balance of probabilities that there is good cause to end the tenancy? 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 although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on December 1, 2005, rent is now \$436 and a security deposit of \$200 was paid on December 1, 2005. The landlord testified that the tenant is in rent arrears as he stopped paying rent in June so owes \$872 as of August 1, 2014. She requests to retain the security deposit to offset amounts owing.

This Notice ended the tenancy for cause. The landlord described the causes. The tenant has taken down his smoke detector and he has left pots burning on the stove and gone out. The other residents are concerned for their safety. He also has unhygienic conditions in his unit, having small rugs soaked with urine which produces a very bad odour in the building and seriously interferes with the peaceful enjoyment and health of other tenants. Although the society has sent him letters and tried to get help for him, he refuses to meet with them to address the problems and obtain assistance. The landlord requests an Order of Possession effective as soon as possible and a monetary order for some of the rent outstanding.

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

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. I find the landlord has established sufficient cause to end the tenancy. The Tenant has not made application pursuant to Section 47 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 which was May 31, 2014. An Order of Possession is issued effective two days from service.

Monetary Order

I find that there are rental arrears in the amount of \$872 representing rental arrears to August 31, 2014. The landlord only requested \$200 on their Application which was made on June 13, 2014. On the principles of Natural Justice which requires a person to be informed of the full amount claimed against them, I find the landlord is limited to obtaining a monetary order for \$200 in this hearing but I give them leave to reapply for further rental losses and damage after the tenant has vacated.

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 recover filing fees paid for this application. I give the landlord leave to reapply for further rental losses and damage.

Calculation of Monetary Award:

Amount claimed on the Application	200.00
Filing fee	50.00
Less security deposit and interest	-\$207.09
Total Monetary Order to Landlord	\$42.91

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: August 07, 2014

Residential Tenancy Branch

