



Dispute Resolution Services

Page: 1

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* (the 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 evidence that he served the Notice to end Tenancy dated September 17, 2014 and the Application for Dispute Resolution both by registered mail. He said when the Application was returned, he also served it in person on the son. It was verified online that the Application was available for pickup, notices were left and it was returned to the sender; I find it was then served personally on the son who was also a tenant. I find that the tenant was legally 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 September 17, 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:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The landlord gave evidence that the tenancy commenced about a year ago, a security deposit of \$325 was paid and rent is currently \$650 a month. He said the tenants had some financial issues and owed \$1200 in back rent to June 30, 2014 and also owed \$290 for July 2014 and \$650 for each of August, September and October 2014. He said the son gave him a note saying they were moving out as of October 16, 2014. He is claiming the rental arrears of \$3440 to the end of October 2014 and an Order of Possession. He requests to retain the security

deposit to offset the amount owing. The tenant did not submit any documents to dispute 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 outstanding rent. 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 in the amount of \$3440 to the end of October 2014 (\$1200 + 290+ (650x3).

Conclusion:

I find the landlord is entitled to an Order of Possession effective two days from service and to a monetary order as calculated below. I find the landlord is entitled to retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental Arrears to October 31, 2014	3440.00
Filing fee	50.00
Less security deposit (no interest 2013-14)	-325.00
Total Monetary Order to Landlord	3165.00

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: November 18, 2014

Residential Tenancy Branch

