



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding MAINSTREET EQUITY CORP.
and [tenant name suppressed to protect privacy]

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 Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55; and
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Both parties attended and agreed the Notice to end Tenancy dated October 6, 2014 was served by posting it on the tenant's door and the Application for Dispute Resolution by registered mail. 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 October 6, 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:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on July 15, 2003, rent is now \$790.32 and a security deposit of \$355 was paid in 2003. The landlord testified that the tenant is in rent arrears of \$1503.20 including rent for December 2014 and the tenant said they agreed with this calculation. The tenant stated that they had disabilities and unfortunate circumstances but had made further application for assistance. They requested an extension of time from the landlord and promised to pay the male tenant's disability cheque for December to the landlord.

The landlord said he was willing to grant an extension for enforcement of the Order of Possession to December 31, 2014. He recognized that they are long term tenants with pets and they may have problems finding another place; he said that if the tenants could

show further assistance was being given to them and they could pay all their rent including January 2015 by the end of December, the company landlord would possibly not enforce the Order of Possession.

In evidence is the Notice to End Tenancy, the lease agreement, proof of service, a General ledger and rent calculations. 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 December 31, 2014 as agreed by the parties.

Monetary Order

I find that there are rental arrears in the amount of \$1503.20 representing rental arrears including December 2014. The security deposit will remain in trust and should be dealt with under the provisions of section 38 of the Act if, and when, the tenant has vacated.

Conclusion:

I find the landlord is entitled to an Order of Possession effective December 31, 2014 as agreed and a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears inclusive of December rent	1503.20
Filing fee	50.00
Total Monetary Order to Landlord	1553.20

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: December 02, 2014

Residential Tenancy Branch

