



Dispute Resolution Services

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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* for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55;
- c) To retain the security deposit to offset the amount owing; 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 November 17, 2014 was served by posting it on the tenant's door with a witness and the Application for Dispute Resolution by registered mail. It was verified online as available for pickup from December 30, 2014 and after several Notices were left by the postal service without success, it was being returned as unclaimed on January 17, 2015. 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 November 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:

The tenant did not attend although served with the Application/Notice of Hearing. The landlord's agent was given opportunity to be heard, to present evidence and to make submissions. She testified that tenancy commenced on June 1, 2014, rent is \$1050 and a security deposit of \$525 was paid on June 1, 2014. The agent testified that the tenant is in rent arrears of \$3150 as of January 2015 as he owes rent for November, December and January

In evidence is the Notice to End Tenancy, the lease agreement, agency authority and a summary of amounts owed.

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 either paid the rent within 5 days of the Notice or 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 \$3150 representing rental arrears and revenue loss to January 31, 2014. 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 recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears/loss to Jan. 31, 2015	3150.00
Filing fee	50.00
Less security deposit	-525.00
Total Monetary Order to Landlord	2675.00

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: January 20, 2015

Residential Tenancy Branch

