



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

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
- d) An order to recover the filing fee pursuant to Section 72.

SERVICE:

Both parties attended and the tenant confirmed the Notice to end Tenancy dated December 14, 2014 was served by posting it on the door and the Application for Dispute Resolution by registered mail. 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 December 14, 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. Both parties agreed that the tenancy commenced November 1, 2014, rent is \$1550 a month and no security deposit was paid. The tenant said they never signed a tenancy agreement because she did not have her printer to print it out.

The parties agreed that only rent for November was paid and no security deposit was paid. The landlord requests an Order of Possession and a monetary order for \$3150 comprised of rent owing for December and January plus filing fee (\$1550x2 +50). After discussion, the parties agreed the effective date of the Order of Possession could be

January 30, 2015 as the tenant had found a place and might be able to vacate before that.

In evidence is the Notice to End Tenancy, proof of service, many emails and an internet transfer for November rent paid in two parts. 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 January 30, 2015 as agreed.

Monetary Order

I find that there are rental arrears in the amount of \$3100 representing rental arrears for December 2014 and January 2015. There is no security deposit to offset the amount owing.

Conclusion:

I find the landlord is entitled to an Order of Possession effective January 30, 2015 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 Dec. 2014 & Jan. 2015	3100.00
Filing fee	50.00
Total Monetary Order to Landlord	3150.00

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 21, 2015

Residential Tenancy Branch

