



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding LIGHTHOUSE REALTY LTD.  
and [tenant name suppressed to protect privacy]

## **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) 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:**

Both parties attended and the tenant agreed they received the Notice to end Tenancy dated January 2, 2015 taped on the 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 January 2, 2015 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 undisputed evidence is that the tenancy commenced in August 1, 2011, a security deposit of \$650 was paid and rent is currently \$1300 a month. It is undisputed that the tenant owes \$7720 rent which has been accumulating since October 2014. The tenant said he and his family have had significant medical and financial problems and he is hoping to start a new job in another province in March 2015. The landlord is claiming the rental arrears of \$7720. The tenant did not dispute the amount owing.

The tenant agreed that he would clean up the house and yard and remove all their items by February 28, 2015 if the landlord would extend the effective date of the Order of Possession to February 28, 2015. The landlord agreed.

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 February 28, 2015 as agreed by the parties.

#### **Monetary Order**

I find that there are rental arrears in the amount of \$7720 representing rental arrears from October 2014 to February 28, 2015.

### **Conclusion:**

I find the landlord is entitled to an Order of Possession effective February 28, 2015 and 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:**

Rent arrears October 2014 to February 28, 2015	7720.00
Filing fee	100.00
Less security deposit (no interest 2011-15)	-650.00
Total Monetary Order to landlord	7170.00

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: February 10, 2015

---

**Residential Tenancy Branch**

