



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 Sections 46 and 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:

Only the landlord attended; she said she served the Notice to end Tenancy dated February 28, 2015 personally and taped on the door and the Application for Dispute Resolution personally. She said the tenant response was anger and ripping up the documents. 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 February 28, 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:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenancy commenced in December 2014 with no written agreement, rent is \$500 a month and no security deposit was paid. The landlord claims \$1350 in rent; she said he now owes 4 months but she claims only \$1350. She requests an Order of Possession and a monetary order for \$1350. 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 \$1350. Although the landlord said they have had to spend \$1200 to redo the room, she provided no evidence on this and said she was waiving it as too much physical violence and the Police had been involved.

Conclusion:

I find the landlord is entitled to an Order of Possession effective two days from service and a monetary order for \$1400 (\$1350 plus \$50 filing fee). There is no security deposit.

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: May 12, 2015

Residential Tenancy Branch

