



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 or 47, 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:

The tenant did not attend. The landlord gave sworn testimony that the Notice to end Tenancy dated March 17, 2015 was served personally to the tenants and the Application for Dispute Resolution by registered mail. It was verified online that delivery was attempted on April 8, 2015, notices were left but the mail was returned to the sender on April 26, 2015 as it was unclaimed by the tenants. I find the tenants are deemed to be served with the Application according to sections 89 and 90 of the Act.

Issue(s) to be Decided:

The tenant was issued two Notices to End Tenancy, one dated March 17, 2015 for unpaid rent and the second dated March 17, 2015 for cause. Is the landlord now entitled to an Order of Possession and a Monetary Order for arrears and filing fee?

Background and Evidence:

The tenant did not attend. The landlord was given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced in March 1, 2014, a security deposit of \$600 was paid and rent is currently \$1200 a month. Two Notices to End Tenancy were issued, one for unpaid rent and one for cause. The landlord elected to proceed on the 10 day Notice for unpaid rent. The landlord claims rent arrears of \$2500 representing \$100 balance for March 2015, and \$1200 for each of April and May 2015. The landlord said the tenant paid \$900 of the March rent owing after the Notice to End Tenancy was issued and was given a receipt

'for use and occupancy only' and the tenancy was not reinstated. The landlord requests an Order of Possession and a monetary order for \$2500 plus the filing fee. The tenant submitted no documents in dispute. 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 \$2500 representing rental arrears from March to May 2015.

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 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 March to May 2015	2500.00
Filing fee	50.00
Less security deposit (no interest 2014-15)	-600.00
Monetary Order to Landlord	1950.00

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: May 13, 2015

Residential Tenancy Branch

