



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

A matter regarding COLUMBIA PROPERTY MANAGEMENT  
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:**

The tenant did not attend. The landlord provided affirmed testimony that they served the Notice to end Tenancy dated April 7, 2015 by posting it on the door and the Application for Dispute Resolution by registered mail. It was verified online as successfully delivered. 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 April 7, 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 on October 1, 2014, a security deposit of \$337.50 was paid on September 16, 2014 and rent is currently \$675 a month. The landlord said the tenant owed \$850 on the date of the Notice to End Tenancy and he paid \$900 on May 5, 2015. However, he paid no further May or June rent and he also owes late fees of \$25 in each month. As of the end of May, he owed \$700 and now owes June rent also of \$675. The landlord requests an Order of Possession effective June 15, 2015 and a monetary order for \$1375 plus the filing fee.

The tenant provided no documents to dispute the amount owing. The landlord provided a rent ledger, the Notice to End Tenancy and registration receipts as evidence. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis**

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 June 15, 2015 as requested by the landlord.

**Monetary Order**

I find that there are rental arrears, including late fees, in the amount of \$1375 representing rental arrears to June, 2015.

**Conclusion:**

I find the landlord is entitled to an Order of Possession effective June 15, 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:

Rental arrears to June 2015	1375.00
Filing fee	50.00
Less security deposit (no interest 2014-15)	-337.50
Total Monetary Order to Landlord	1087.50

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: June 02, 2015

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Residential Tenancy Branch

