



Dispute Resolution Services

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, 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 he served the Notice to end Tenancy dated May 5, 2015 by registered mail (confirmed received online) and the Application for Dispute Resolution personally. He said he served the Application personally because he wanted to talk to the about the rent. . 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 May 5, 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:

The tenant did not attend. 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 August 1, 2014, a security deposit of \$650 was paid and rent is currently \$1300 a month. The landlord is claiming the rental arrears of \$2880 for outstanding rent for April, May, June and July. He said the tenants owed \$280 for April, and \$1300 for each of May and June. He said he had served a two month Notice to End Tenancy on the tenants on May 1, 2015 and after that they did not pay any rent. The tenant submitted no documents to dispute the amount owing. He requests a monetary order for \$2880 plus filing fee and an Order of Possession effective two days from service. In evidence is the 10 day Notice to End Tenancy, the tenancy agreement

and a receipt for registered mail. 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. The landlord wished to discuss enforcement and I referred him to the Residential Tenancy website which is shown on the last page of this Decision.

Monetary Order

I find that there are rental arrears in the amount of \$2880 representing rental arrears from April (\$280) to June 30, 2015 (May and June each \$1300).

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:

Rental arrears from April to June 30, 2015	2880.00
Filing fee	50.00
Less security deposit (no interest 2014-15)	-650.00
Total Monetary Order to landlord	2280.00

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: June 24, 2015

Residential Tenancy Branch