



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding METRO VANCOUVER HOUSING CORPORATION
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) To retain the security deposit to offset the amount owing; 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 June 2, 2015 was served by posting it on the tenant's door and the Application for Dispute Resolution by registered mail. It was verified online as successfully delivered on June 12, 2015. 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 June 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:

The tenant did not attend although served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord testified that tenancy commenced on October 1, 1994, rent is \$1042 monthly and a security deposit of \$377.50 was paid on September 22, 1994. The landlord testified that the tenant is in rent arrears of \$1556 including August 2015 rent. She accounted for the arrears as follows: \$1020 was owed for June and \$1042 for each of July 2015 and August 2015. Of these arrears, the tenant paid \$500 on July 10, \$548 on July 14 and \$500 on August 5, 2015 and for each payment was given a receipt noting it was "for occupancy only". The landlord requests a monetary order for \$1556 plus filing fee, less the security deposit and an Order of Possession for August 31, 2015 as the monetary order includes rent for August 2015.

In evidence is the Notice to End Tenancy, the lease agreement, a General rent ledger and rent calculations and registered mail receipts. There is also a letter sent by the landlord on July 27, 2015 to the tenant advising her to attend the conference to present some proposals that she

has. 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 August 31, 2015 as requested by the landlord.

Monetary Order

I find that there are rental arrears in the amount of \$1556 representing rental arrears to August 31, 2015. I find the landlord entitled to retain the security deposit to offset the amount owing and to recover filing fees.

Conclusion:

I find the landlord is entitled to an Order of Possession effective August 31, 2015 and a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application.

Calculation of Monetary Award:

Rent arrears to August 31, 2015	1556.00
Filing fee	50.00
Less security deposit plus interest	- \$456.83
Total Monetary Order to Landlord	\$1149.17

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: August 06, 2015

Residential Tenancy Branch

