



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 FF

Introduction:

Both parties attended the hearing and confirmed the Notice to End Tenancy was served by posting it on the door and the Application for Dispute Resolution by registered mail. I find the documents were legally served pursuant to sections 88 and 89 of the Act. The hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* (the Act) for orders as follows:

- a) A monetary order pursuant to Section 67;
- b) An Order of Possession pursuant to Sections 46, and 55; and
- c) An order to recover the filing fee pursuant to Section 72.

Issue(s) to be Decided:

The tenant was issued a Notice to End Tenancy dated September 28, 2015 to be effective October 8, 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:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. The undisputed evidence is that the tenancy commenced June 1, 2013, a security deposit of \$537.50 was paid and rent is currently \$1115 a month. It is undisputed that the tenant owes \$2274 rent for October and November 2015 and \$44 in arrears. The tenant described a number of issues she had had. The landlord said the tenant had made payments in October and November which were applied to the oldest debt. She said they had tried to work with the tenant but rent had to be paid. The landlord is claiming the rental arrears of \$2274 and requests recovery of the filing fee.

The tenant did not dispute the amount owing and said she hoped to pay it before the end of November. The landlord said they would accept an Order of Possession effective November 30, 2015 and they would not enforce the Order of Possession if the rent was paid.

In evidence is the Notice to End Tenancy, the rent ledger and the tenancy agreement. 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 which was October 8, 2015. An Order of Possession is issued effective November 30, 2015 as the landlord requested.

Monetary Order

I find that there are rental arrears and loss in the amount of \$2274 representing rental arrears and loss to November 30, 2015. The landlord did not request that the security deposit be applied to the amount owed so the security deposit will remain in trust for the tenant to be dealt with pursuant to section 38 of the Act.

Conclusion:

I find the landlord is entitled to an Order of Possession effective November 30, 2015 and a monetary order as calculated below and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental arrears and loss	2274.00
Filing fee	50.00
Total Monetary Order to Landlord	2324.00

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: November 19, 2015

Residential Tenancy Branch

