



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER EVICTION SERVICES
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR FF

Introduction:

Only the landlord attended the hearing and gave sworn testimony that the Notice to end Tenancy dated February 9, 2016 was served personally and the Application for Dispute Resolution by registered mail. The landlord verified it online as successfully delivered. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act. This 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;
- c) To retain the security deposit to offset the amount owing; and
- d) 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 February 9, 2016 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 December 14, 2014, rent is \$1500 a month and a security deposit of \$750 was paid December 2014. The landlord testified that the tenant is in rent arrears of \$3000 as of March 31, 2016 as the tenant has not paid rent for January or February 2016. The landlord requested the further addition of \$750 as lost revenue for March 1-15, 2016.

In evidence is the Notice to End Tenancy, proof of service, a Bank statement showing deposits of rent and a registered mail receipt. 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 \$3000 representing rental arrears for January and February 2016. I decline to award a further \$750 for possible rental loss in April as this is a possible future loss. I give the landlord leave to reapply for further rental loss and damages. I find the landlord does not request to use the security deposit to offset the amount owing but will hold it in trust and deal with it after the tenant has vacated.

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 recover filing fees paid for this application. I give the landlord leave to reapply for future revenue loss and damages.

Calculation of Monetary Award:

Rent arrears to March 31, 2016	3000.00
Filing fee	100.00
Total Monetary Order to Landlord	3100.00

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: March 30, 2016

Residential Tenancy Branch