



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 353806 B.C. LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

Only the landlord attended the hearing and gave sworn testimony that the Notice to end Tenancy dated February 5, 2016 was served posted on the door and the Application for Dispute Resolution by registered mail on March 9, 2016. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act. The landlord requests 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) An Order to retain the security deposit pursuant to Section 38; and
- d) An order to recover the filing fee pursuant to Section 72.

Issue(s) to be Decided:

The tenant was issued a 10 Day Notice to End Tenancy dated February 5, 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:

Only the landlord attended although the tenant was served with the Application/Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The evidence is that the tenancy commenced June 1, 2015, a security deposit of \$425 and a pet damage deposit of \$425 were paid and rent is currently \$850 a month. The landlord stated the tenant had not paid rent from January to April 2016 (\$850x4) plus he owes an NSF fee of \$35 for a returned cheque in January 2016. The landlord is claiming the rental arrears of \$3435 and requests an Order of Possession to be effective as soon as possible. The tenant submitted no documents to dispute the amount owing.

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 \$3435 representing rental arrears from January to April 2016.

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:

Unpaid rent Jan-April, 2016	3400.00
NSF charge January 2016	35.00
Filing fee	100.00
Less security and pet damage deposits (no interest 2015-16)	-850.00
Total Monetary Order to Landlord	2685.00

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: April 20, 2016

Residential Tenancy Branch

