



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR FF

Introduction:

Only the landlord/applicant attended this hearing and gave sworn testimony that they served the tenants personally with the 10 Day Notice to End Tenancy dated December 5, 2015 and with the Application for Dispute Resolution. The landlord applies 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
- 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 December 5, 2015 to be effective December 15, 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:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. The landlord's evidence is that the tenancy commenced about 10 years ago, rent is \$700 monthly, no security deposit was paid but in a previous hearing, based on the tenant's submissions, the landlord had the security deposit of \$362.50 (including interest) deducted from a monetary order. The landlord said that no rent has been paid since the 10 Day Notice to End Tenancy was served. The amount outstanding is \$200 from July 2015 and \$700 for each of November and December 2015 and January to April 2016 for a total of \$4400 (6x\$700 + \$200). The landlord is claiming the rental arrears of \$4400 plus filing fee and an Order of Possession effective as soon as possible. The tenant submitted no documents to dispute the amount owing.

In evidence is the Notice to End Tenancy, a copy of a Decision made in 2013 on a previous file and proof of service. 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 \$4400.00 representing rental arrears from July 2015 to April 2016.

Conclusion:

I find the landlord is entitled to an Order of Possession effective two days from service and a monetary order for \$4500 for arrears and including the filing fee of \$100 paid for this application.

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 27, 2016

Residential Tenancy Branch