



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding WINGOLD CONSTRUCTION LTD. AND TURNER MEAKIN MANAGEMENT
COMPANY 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 10 Day Notice to End Tenancy dated June 6, 2016 to be effective June 20, 2016 was served by posting it on the door and the Application for Dispute Resolution was served personally when the tenant refused courier service. I find that the tenant was legally served with the documents according to sections 88 and 89 of the Act. 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 55; and
- d) An order to recover the filing fee pursuant to Section 72.

Issue(s) to be Decided:

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 undisputed evidence is that the tenancy commenced July 6, 2015 on a fixed term lease to June 30, 2016, a security deposit of \$500 was paid and rent is currently \$1000 + \$20 parking a month. The landlord is claiming the rental arrears of \$3660.00 for the balance of rent in May and all of June, July and August. The tenant did not attend or submit any documents to dispute the amount owing.

In evidence is the tenancy agreement, the Notice to End Tenancy, letters and emails concerning arrears, a condition inspection report 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 and rental loss in the amount of \$3660.00 representing rental arrears and loss from May 2016 to the end of August 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:

Rental arrears and loss	3660.00
Filing fee	100.00
Less security deposit	-500.00
Total Monetary Order to Landlord	3260.00

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: August 24, 2016

Residential Tenancy Branch

