



# 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 attended the hearing and gave sworn testimony. They confirmed that the 10 Day Notice to End Tenancy dated October 6, 2016 to be effective October 16, 2016 was served by posting it on the door and the Application for Dispute Resolution was served by registered mail to both tenants. 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 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 March 1, 2015, a security deposit of \$575 and a pet damage deposit of \$407.50 were paid and rent is currently \$1203 a month including parking. A lease is in evidence.

The landlord said the tenant never paid October's rent of \$1154 but did pay November and December's rent. They sent a letter to the tenant advising that the tenancy was not continued unless rent for October 2016 was paid. They said the tenants promised to pay and an agreement was drawn up but they never picked up the agreement or paid their rent. They request an Order of Possession effective December 31, 2016 and a monetary order for rent arrears of \$1154 plus \$25 NSF fee and the filing fee.

In evidence is the registered mail receipt, the 10 Day Notice, a 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. An Order of Possession is issued effective December 31, 2016 as requested by the landlord.

**Monetary Order**

I find that there are rental arrears in the amount of \$1154 for October 2016 and the landlord is entitled to a monetary order for the arrears plus \$25 NSF charges and the \$100 filing fee.

**Conclusion:**

I find the landlord is entitled to an Order of Possession effective December 31, 2016 and a monetary order as calculated below. I find the landlord is entitled to recover filing fees paid for this application.

**Calculation of Monetary Award:**

Rent arrears October 2016	1154.00
NSF fee	25.00
Filing fee	100.00
<b>Total Monetary Order to landlord</b>	<b>1279.00</b>

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: December 15, 2016

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**Residential Tenancy Branch**