



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes: MNR OPR MNSD FF

### **Introduction:**

Only the landlord attended the hearing and gave sworn testimony. He stated that the 10 Day Notice to End Tenancy dated April 8, 2017 to be effective April 18, 2017 was served by posting it on the door and the Application for Dispute Resolution was served by registered mail (number provided). 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;
- 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:**

Is the landlord entitled to an Order of Possession and a Monetary Order for rental arrears and filing fee?

### **Background and Evidence:**

Only the landlord attended although the tenant was served with the Notice of Hearing. The landlord was given opportunity to be heard, to present evidence and to make submissions. The landlord said he was unsure when the tenancy commenced as he bought the house in September 2016 with the tenant in place. She had paid a security deposit of \$600 and rent is currently \$1350 a month. The landlord said the tenant never paid rent in April or May 2017 and vacated the unit on May 6, 2017. The landlord is claiming the rental arrears of \$1350 for April and \$261.29 only for the 6 days she occupied the unit in May ( $\$1350/31 = 43.55$  a day x 6 days). He no longer requests an Order of Possession as the tenant has moved. The tenant submitted no documents to dispute the amount owing and did not attend the hearing.

In evidence is the Notice to End Tenancy and proofs of service and a registered mail receipt. On the basis of the documentary and solemnly sworn evidence presented at the hearing, a decision has been reached.

**Analysis**

The landlord no longer requires an Order of Possession

**Monetary Order**

I find that there are rental arrears and over-holding rent in the amount of \$1611.29 representing rent from April 1, 2017 to May 6, 2017.

**Conclusion:**

I find the landlord is entitled to a monetary order as calculated below and to retain the security deposit to offset the amount owing. I find the landlord is entitled to recover filing fees paid for this application.

**Calculation of Monetary Award:**

Rental Arrears April 2017	1350.00
Over-holding Rent May 1-6, 2017	261.29
Filing fee	100.00
Less security deposit	-600.00
<b>Total Monetary Order to Landlord</b>	<b>1111.29</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: May 24, 2017

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Residential Tenancy Branch