



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's agent (hereinafter referred to as 'the landlord') attended the hearing and gave sworn testimony. She confirmed that the 10 Day Notice to End Tenancy dated April 5, 2017 to be effective April 15, 2017 was served personally to an adult occupant of the unit and the Application for Dispute Resolution was served by registered mail (receipt 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; 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, rental loss 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 evidence is that the tenancy commenced January 3, 2017 on a fixed term lease to June 30, 2017, a security deposit of \$840 was paid and rent is currently \$1680 a month. The landlord said the tenant owes \$780 arrears for April, 2017 and \$1680 for May in over holding rent and requests an additional half month's rent for June 2017 as the tenant is still in residence. The landlord is claiming the rental arrears of \$780 and a total of \$2520 in over holding rent. The tenant submitted no documents and did not attend the hearing to dispute the amount owing.

In evidence is the 10 Day Notice to End Tenancy, the tenancy agreement and registered mail receipt. 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* section 46 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 \$780 and over holding rent of \$2520 to June 15, 2017. I find the landlord entitled to a monetary order for \$3300.

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:

Rent arrears April 2017	780.00
Over holding rent May to June 15, 2017	2520.00
Filing fee	100.00
Less security deposit	-840.00
Total Monetary Order to Landlord	2560.00

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: June 01, 2017

Residential Tenancy Branch