



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

Both parties attended the hearing and gave sworn testimony. The landlord stated that the 10 Day Notice to End Tenancy dated February 14, 2017 to be effective March 31, 2017 and the Application for Dispute Resolution were both served personally. The tenant agreed he received them as stated. I find that the tenant was legally served with the documents according to section 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 a Monetary Order for rental arrears and filing fee?

Background and Evidence:

Both parties attended and were given opportunity to be heard, to present evidence and to make submissions. Both agreed that the tenancy commenced 11 years ago, a security deposit of \$300 was paid and rent is currently \$700 a month. The landlord said the tenant owes \$2700 in rent from January 2016 (\$600) to June 30, 2017 (\$700 for each of April, May and June 2017). The landlord is claiming the rental arrears of \$2700 and requests an Order of Possession. After some negotiation, the tenant agreed he would vacate by July 31, 2017 and the landlord agreed to an effective date of July 31, 2017 for the Order of Possession.

The tenant did not dispute the amount owing but said he needed some rental receipts so he could obtain other housing. The landlord agreed to provide him with receipts from January to March 2017.

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

Analysis

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. I find the tenancy ended on March 31, 2017. An Order of Possession is issued effective July 31, 2017 as agreed by the parties.

I find that there are rental arrears and over-holding rent in the amount of \$2700.00 representing rent owed from January 2016 to June 30, 2017. I find section 26(2) of the Act provides that a landlord must provide a tenant a receipt for rent paid in cash. The landlord will be ordered to provide receipts to the tenant for January to March 2017 so he will have the necessary proof to obtain other housing.

Conclusion:

I find the landlord is entitled to an Order of Possession effective July 31, 2017 as agreed and a monetary order as calculated below. I find the landlord is entitled to retain the security deposit with interest to offset the amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rental Arrears and over holding rent	2700.00
Filing fee	100.00
Less security deposit and interest since 1996	-349.71
Total Monetary Order to Landlord	2450.29

I HEREBY ORDER THE LANDLORD to supply the tenant with rental receipts for January, February and March 2017.

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 27, 2017

Residential Tenancy Branch