



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding 1069185 BC LTD
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes OPB, MNR, FF

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* ("Act") for:

- an Order of Possession pursuant to section 55;
- a monetary order for unpaid rent pursuant to section 67; and
- authorization to recover the filing fee for this application from the tenant pursuant to section 72.

The tenant did not attend this hearing, which lasted 10 minutes. The corporate landlord was represented by its agent (the "landlord") who attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

The landlord testified that he served both the landlord's application for dispute resolution dated June 23, 2017, and an amendment to the application correcting the applicant's name and the monetary amount sought dated June 26, 2017 on the tenant on June 26, 2017 by registered mail. The landlord provided a Canada Post tracking number as evidence of service. In accordance with sections 89 and 90 of the *Act*, I find that the tenant was deemed served with the landlord's application on July 1, 2017, five days after mailing.

Issue(s) to be Decided

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to monetary compensation for unpaid rent as claimed?

Is the landlord entitled to recover the filing fee for this application from the tenant?

Background and Evidence

The landlord provided undisputed sworn testimony regarding the following facts. This fixed term tenancy began in December, 2016. Pursuant to the tenancy agreement the tenancy ended on May 31, 2017 and the tenant was required to move out of the residential unit. The tenant has not moved out and continues to reside in the rental unit as of the date of the hearing.

The monthly rent for the tenancy is \$1,200.00. A security deposit of \$600.00 was paid by the tenant at the start of the tenancy and is still held by the landlord. The landlord testified that the tenant has not paid any rent for the months of June, July and August, 2017 and the rental arrear as of the date of the hearing is \$3,600.00.

Analysis

The landlord provided undisputed evidence at this hearing, as the tenant did not attend.

Section 55(2)(c) provides that a landlord may request an order of possession if the tenancy agreement is for a fixed term which provides that the tenant will vacate the rental unit at the end of the fixed term.

I accept the undisputed evidence of the landlord that this tenancy ends on May 31, 2017, pursuant to the tenancy agreement signed and initialled by the parties. I accept the landlord's evidence that the tenancy agreement provides that the tenant must vacate the rental unit at the end of the tenancy term. Therefore, I find that the landlord is entitled to an Order of Possession pursuant to section 55. As the date of the end of tenancy has passed I issue an Order of Possession enforceable two days after service.

I accept the landlord's undisputed evidence that the total amount of arrears for this tenancy is \$3,600.00. I issue a monetary award for unpaid rent owing of \$3,600.00 as at August 24, 2017, the date of the hearing, pursuant to section 67 of the *Act*.

As the landlord's application was successful I find the landlord is entitled to recover the \$100.00 filing fee for this application.

In accordance with sections 38 and the offsetting provisions of 72 of the *Act*, I allow the landlord to retain the \$600.00 security deposit in partial satisfaction of the monetary award issued in the landlord's favour.

Conclusion

I grant an Order of Possession to the landlord effective **2 days after service on the tenant**. Should the tenant or anyone on the premises fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

I issue a monetary order in the landlord's favour in the amount of \$3,100.00 under the following terms, which allows the landlords to recover unpaid rent and the filing fee for their application, and to retain the tenant's security deposit:

Item	Amount
Unpaid Rent June	\$1,200.00
Unpaid Rent July	\$1,200.00
Unpaid Rent August	\$1,200.00
Filing Fee Recovery	\$100.00
Less Security Deposit	-\$600.00
Total Monetary Order	\$3,100.00

The tenant must be served with this Order as soon as possible. Should the tenant fail to comply with this Order, this Order may be filed in the Small Claims Division of the Provincial Court and enforced as an Order of that Court.

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, 2017

Residential Tenancy Branch