



Dispute Resolution Services

Page: 1

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 14, 2017 to be effective April 24, 2017 and the Application for Dispute Resolution were both served personally. 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 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 undisputed evidence is that the tenancy commenced June 1, 2016, a security deposit of \$300 was paid and rent is currently \$600 a month. The landlord said the tenant owes \$3000 in rent from April to the present but he only claimed \$2100 on his Application which was filed in June 2017. The landlord is claiming the rental arrears and requests an Order of Possession as soon as possible. The tenant submitted no documents to dispute the amount owing and did not attend the hearing. The landlord said the tenant had filed an Application for a hearing in May but he never served the Application nor attended the hearing. The landlord said the tenant has been delaying to prolong the tenancy without paying rent.

In evidence is the Notice to End Tenancy and statements of the landlord. 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. Even if the Tenant made application pursuant to Section 46 to set aside the Notice to End a Residential Tenancy, I find he did not attend the hearing or serve the landlord with the Application as required. I find the tenancy ended on April 24, 2017 pursuant to the Notice to End Tenancy. An Order of Possession is issued effective two days from service.

Monetary Order

I find that there are rental arrears in the amount of \$3000. However, as explained to the landlord in the hearing, according to the Principles of Natural Justice, a party must be informed of the amount claimed against them and have the opportunity to respond. I find the landlord claimed \$2100 on his Application so recovery today is limited to that amount with leave to reapply for further amounts owing.

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 he is entitled to retain the security deposit to offset the amount owing and to recover filing fees paid for this application. I give the landlord leave to reapply for further unpaid rent and damages within the legislated time limits.

Calculation of Monetary Award:

Rental Arrears April 1- July 31	2400.00
Filing fee	100.00
Less security deposit	-300.00
Total Monetary Order to Landlord	2200.00

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: August 10, 2017

Residential Tenancy Branch