



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding CASCADIA APARTMENT RENTALS LTD.
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR FF

Introduction:

Only the landlord attended the hearing and gave sworn testimony. The landlord said they served the 10 Day Notice to end Tenancy dated August 3, 2017 to be effective August 13, 2017 in the tenant's mail slot and the Application for Dispute Resolution 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 recover filing fees.

Issue(s) to be Decided:

Is the landlord entitled to an Order of Possession and to a Monetary Order?

Background and Evidence:

Only the landlord attended and was given opportunity to be heard, to present evidence and to make submissions. This matter was originally the subject of an ex parte Direct Request Proceeding but the arbitrator found they did not have sufficient documentation and it required a participatory hearing which was scheduled today. The landlord testified that the change in the landlord's name was merely a change in the management company. They provided letter notification to the tenants as evidence.

The undisputed evidence is that the tenancy commenced in November 2013, a security deposit of \$435 was paid in two payments and rent is currently \$915 a month. The landlord said that the tenant owes \$710 rent for August 2017 and has paid no rent since service of the Notice to End Tenancy. The landlord in their application is claiming the rental arrears of \$710 and requests an Order of Possession as soon as possible.

The tenant submitted no documents to dispute the amount owing. 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* 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 \$710 for August 2017. Although the landlord said the tenants owe a further \$915 for each of September and October, I find I cannot give an additional monetary order for these amounts. Based on the principles of Administrative Justice, I find parties must be notified of the claims against them and have the opportunity to respond. I find the tenants did not receive notification of the claim for additional rent arrears so I decline to award them at this time. Leave to reapply for further unpaid rent and damages will be given to the landlord.

Conclusion:

I find the landlord is entitled to an Order of Possession effective two days from service and a monetary order as calculated below. The security deposit will remain in trust pending further resolution of monies owing. I give the landlord leave to reapply for further unpaid rent and damages.

Calculation of Monetary Award:

Rent owed for August 2017	710.00
Filing fee	100.00
Total Monetary Order to Landlord	810.00

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: October 10, 2017

Residential Tenancy Branch