



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 attended the hearing and gave sworn testimony. He said he served the 10 Day Notice to end Tenancy dated September 6, 2017 to be effective September 16 by posting it on the door and the Application for Dispute Resolution by registered mail (tracking 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;

Issue(s) to be Decided:

Is the landlord entitled to an Order of Possession and to 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, 2017 for this latest tenancy a security and pet damage deposit totalling \$1300 was paid and rent is \$1300 a month. The landlord explained that the tenant had previously rented the whole house with others for \$2600 but then moved to the basement where the rent was less. The Notice to End tenancy showed the tenant owed \$1300 rent for September 2017. The landlord said she has not paid that rent and no rent for October and November either. She also owes a water bill of \$752.91 and two gas bills, \$71.03 for September and \$25.80 for October. In total, the landlord says the tenant owes \$4749.74 in arrears. He said she came and gave him two cheques last night, one for \$1200 and one for \$2700. However, she called this morning and told him not to cash them for she did not have the funds in the bank. The tenant provided no documents to dispute the claim and did not attend the hearing.

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 as the landlord requested.

Monetary Order

I find that there are rental and utility arrears in the amount of \$4749.74 owing to the end of November 2017. I find sufficient evidence to support the landlord's claim. The landlord requested that the security and pet deposits not be used to offset the amount owing. He prefers to keep them in trust to be dealt with pursuant to the provisions of section 38 of the Act.

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 recover filing fees paid for this application.

Calculation of Monetary Award:

Rent and utility arrears to November 30, 2017	4749.74
Filing fee	100.00
Total Monetary Order to Landlord	4849.74

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: November 23, 2017

Residential Tenancy Branch