



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding KAHL REALTY & PROPERTY MANAGEMENT
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR FF

Introduction:

Only the landlord/applicant attended the hearing and gave sworn testimony. The landlord said they served the 10 Day Notice to end Tenancy dated August 17, 2017 to be effective August 27, 2017 by posting on the tenant's door and the Application for Dispute Resolution by registered mail (number provided). They said that when the tenant did not claim the registered mail, they also posted it on their door to be sure they knew of today's hearing. 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
- c) To recover the filing fee.

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 evidence is that the tenancy commenced January 1, 2017 and was renewed for a 6 month term on July 1, 2017. Rent is \$2550 a month and a security deposit of \$1275 was paid. The landlord said the tenant owes \$10,225 in arrears and over holding rent as they have paid no rent from September to December 2017 (\$2550x4 + \$25 late fee). The tenant did not attend and provided 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. I find the tenancy was at an end on August 27, 2017. An Order of Possession is issued effective two days from service.

Monetary Order

I find that there are rental arrears and over holding rent in the amount of \$10,225 representing rent owing from September to December 2017 plus one \$25 late fee.

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. Retention of the security deposit to offset the amount owing was not requested so it remains in trust to be dealt with according to section 38 of the Act after the tenant vacates.

Calculation of Monetary Award:

Rent arrears and over holding rent and late fee	10,225.00
Filing fee	100.00
Total Monetary Order to landlord	10,325.00

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: December 05, 2017

Residential Tenancy Branch