



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding VANCOUVER EVICTION SERVICES AS REPRESENTATIVE
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes: MNR OPR MNSD FF

Introduction:

Only the landlord's agent (hereinafter called 'the landlord') attended the hearing and gave sworn testimony. The landlord said they served the 10 Day Notice to end Tenancy dated September 18, 2017 to be effective September 28, 2017 by posting it on the door and the Application for Dispute Resolution by registered mail (tracking # provided).. I find 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 retain the security deposit to offset the amount owing; and
- d) To recover filing fees for this application.

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 and was given opportunity to be heard, to present evidence and to make submissions. The tenant had still not attended when the hearing concluded 10 minutes later. The evidence of the landlord is that the tenancy commenced November 1, 2014, a security deposit of \$450 was paid and rent is currently \$900 a month. The landlord said the tenant owes a total of \$4050 rent which is comprised of amounts owing for August (450), and \$900 for each of September, October, November and December 2017. The tenant submitted no documents and did not attend to dispute the amount owing.

In evidence is the 10 Day Notice to End Tenancy, a monetary order worksheet, and a registered mail receipt. 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 \$4050 representing rental arrears from August to December 2017.

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 retain the security deposit to offset the rental amount owing and to recover filing fees paid for this application.

Calculation of Monetary Award:

Rent owing from August 2017	450.00
Rent owed from Sept. to Dec. 2017 (900x4)	3600.00
Filing fee	100.00
Less security deposit	-450.00
Total Monetary Order to Landlord	3700.00

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 19, 2017

Residential Tenancy Branch