



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's representative (hereinafter called the landlord) and a witness attended the hearing and gave sworn testimony. He provided evidence that the 10 Day Notice to end Tenancy dated November 2, 2017 to be effective November 17, 2017 was served by registered mail (number provided) and the Application for Dispute Resolution was served personally on December 8, 2017. 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 Sections 46 and 67 for unpaid rent;
- b) To retain the security deposit to offset the amount owing;
- c) An Order of Possession pursuant to Sections 46, and 55; and
- d) To recover the filing fee 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 undisputed evidence is that the tenancy commenced March 1, 2015, a security deposit of \$550 was paid and rent is currently \$900 a month plus utilities. Rent was \$1100 a month including utilities in 2015 but was changed on December 1, 2016. The landlord provided evidence that the tenant paid only \$500 of rent in June 2017 and has paid no rent since although he is still in residence. He said he believed the tenant was not working and had difficulty getting assistance.

The landlord provided evidence that the tenant owes \$900 a month from July 2017 to January 2018 (7 x 900= \$6300) plus \$400 from June 2017. The landlord is claiming the rental arrears and over holding rent of \$6700. The tenant did not attend or provide any documents to dispute the amount owing. The landlord requests an Order of Possession to be effective as soon as possible. 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 which was November 17, 2017. I find the tenancy is at an end. An Order of Possession is issued effective two days from service.

Monetary Order

I find that there are rental arrears in the amount of \$6700 representing rental arrears and over holding rent from June 2017 to January 2018.

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 arrears and over holding rent to Jan. 2018	6700.00
Filing fee	100.00
Less security deposit	-550.00
Total Monetary Order to Landlord	6250.00

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: January 10, 2018

Residential Tenancy Branch