

## **DECISION**

**Dispute Codes:** OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55;
3. An Order to retain the security and/or pet deposit pursuant to Section 38; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Notice to End Tenancy by posting the notice to the rental unit door and the Application for Dispute Resolution hearing package by registered mail.

The tenants did not appear. The landlord was given full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

### **Issue(s) to be Decided**

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

## **Background and Findings**

### **Order of Possession**

I find that the landlord is entitled to an Order for Possession. There is outstanding rent. The tenant(s) has/have 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(s) has/have been deemed to have accepted the end of the tenancy on the date set out in the Notice.

### **Monetary Order**

#### ***Rental Arrears***

Based on the undisputed evidence of the landlord I find that the landlord has met the burden of proving that there are rental arrears. I find the landlord is entitled to recovery of those arrears. Further, as the evidence of the landlord is that the tenants are still residing in the rental unit and the current month ends 4 days from now, it is unlikely that the landlord will be able to re-rent the premises at the first of the next month so I will award the landlord loss of income for the first two weeks of March for a total monetary award calculated as follows:

February arrears	\$746.00
March 1-15, 2011 loss of income	373.00
<b>Total</b>	<b>\$1119.00</b>

The landlord remains at liberty to apply for further loss of revenue as may be necessary should the tenants fail to comply with the Order of Possession.

#### ***Security Deposit***

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

#### ***Filing Fees***

I find that the landlord is entitled to recover the filing fees paid for this application.

### ***Calculation of total Monetary Award***

Rental Arrears	1119.00
Filing Fees for the cost of this application	50.00
Less Security Deposit (no interest payable)	-362.50
Total Monetary Award	806.50

### **Conclusion**

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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*.