



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes: OP, MN, 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; and
3. 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 and the Application for Dispute Resolution hearing package.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

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 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 tenants have been deemed to have accepted the end of the tenancy on the date set out in the Notice.

Monetary Order***Rental Arrears***

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$3,525.00 calculated as follows:

November Rental Arrears	\$1,100.00
November washer and dryer rental	50.00
November parking	25.00
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January washer and dryer rental	50.00
January parking	25.00
Total	\$3,525.00

Filing Fees

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

Security Deposit

The landlord holds a security deposit of \$550.00, using the offsetting provisions of the Residential Tenancy Act I will allow the landlord to retain this sum and I will deduct it from the total award made.

Calculation of total Monetary Award

Rental and other arrears as set out above	\$3,525.00
Filing Fees for the cost of this application	50.00
Less Security Deposit	-550.00
Total	\$3,025.00

Conclusion

The landlord is provided with a formal copy of an Order of Possession. This is a final and binding Order as any 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. This is a final and binding Order as any 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*.

Dated: January 31, 2013

Residential Tenancy Branch

