



Dispute Resolution Services

Residential Tenancy Branch
Office of Housing and Construction Standards
Ministry of Housing and Social Development

Decision

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

Introduction

Both parties were represented at the hearing. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present oral evidence, to cross-examine the other party, and to make submissions to me.

At the hearing the Agent for the Landlord withdrew the application to retain the security deposit, stating that he will deal with that issue once the Tenant has vacated the rental unit.

Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession; to a monetary Order for unpaid rent; to keep all or part of the security deposit; and to recover the filing fee from the Tenant for the cost of the Application for Dispute Resolution, pursuant to sections 55, 67, and 72 of the *Residential Tenancy Act* (Act).

Background and Evidence

The tenancy agreement requires the Tenant to pay monthly rent of \$700.00. The tenancy agreement is a fixed term tenancy that requires the Tenant to vacate the rental unit on August 31, 2008.

The Tenant advised the Landlord at the hearing that he has moved most of his property out of the rental unit and that it will be vacant on September 30, 2008.

The Agent for the Landlord and the Tenant agree that the Tenant still owes \$700.00 in rent from September of 2008.

Analysis

Based on the Tenant's statement that he will be vacating the rental unit on September 30, 2008, and the fixed term tenancy agreement that requires the Tenant to vacate the rental unit on August 31, 2008, I will be granting the Landlord an Order of Possession.

Based on the statements of both parties, I find that the Tenant has not paid rent in the amount of \$700.00 for September of 2008.

I find that the Landlords application has merit, and I find that the Landlord is entitled to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

Conclusion

The Landlord has been granted an Order of Possession that is effective at 1:00 p.m. on September 30, 2008. This Order may be served on the Tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the Landlord has established a monetary claim, in the amount of \$750.00, which is comprised on \$700.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. Based on these determinations I grant the Landlord a monetary Order for the amount of \$750.00. In the event that the Tenant does not comply with this Order, it may be served on the Tenant, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

Date of Decision: September 29, 2008
