

Dispute Resolution Services

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

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession due to unpaid rent arrears, a monetary order to recover the rental arrears and inclusive of recovery of the filing fee associated with this application, and an order to retain the security deposit in partial satisfaction of the monetary claim.

Both the landlord and tenant were represented in this hearing.

Issue(s) to be Decided

Is the notice to end tenancy valid?

Is the landlord entitled to an order of possession?

Is the landlord entitled to the monetary amounts claimed?

Background and Evidence

The tenancy began on September 15, 2008. Rent is in the amount of \$500 per month and is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$250. The tenant failed to pay all of the rent in and for the months of September, October and November 2008 and on November 6, 2008 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of December 2008 and the landlord made application for dispute resolution on December 2, 2008. I am satisfied that the tenant was properly served of this hearing via registered mail.

The tenant and landlord are in agreement that the total of the arrears to date, inclusive of the rent owed for the month of December 2008 amount to **\$1245**.

Analysis

Based on the landlord's and tenant's testimony I find that the tenant was served with a notice to end tenancy for non-payment of rent and I find the notice to be valid. The tenant has not paid the outstanding rent or arrears.

Based on the above facts I find that the landlord is entitled to an order of possession. As for the monetary order, I find that the landlord has established a claim for **\$1245** in unpaid rent and arrears. The landlord is also entitled to recovery of the **\$50** filing fee for a total entitlement of **\$1295**.

Conclusion

I grant an order of possession to the landlord **effective December 31, 2008**. The tenant must be served with this order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

I order that the landlord retain the security deposit and interest of **\$250.98** in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$1044.02**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated December 19, 2008