

# Dispute Resolution Services

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

## **DECISION**

### **Dispute Codes:**

CNR OPR, MNR, MNSD, FF

### **Introduction**

This hearing dealt with a cross-application by the landlord and by the tenant.

The landlord applied for an order of possession due to unpaid rent, a monetary order to recover 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.

The tenant applied to cancel the Notice to End for unpaid rent, and the Notice to End for cause.

Both tenant and landlord attended the conference call 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 1, 2008. Rent in the amount of \$650 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 \$325. The tenant failed to pay all due rent in the month of January 2009 and on January 2<sup>nd</sup>. 2009 the landlord

served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in and for the month of February 2009.

The tenant and landlord agree that the order of possession should be effective February 14, 2009.

### **Analysis**

Based on the testimony of both the landlord and the tenant, 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.

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 arrears of \$405 for January 2009, and \$650 for February 2009. The landlord is also entitled to recovery of the \$50.00 filing fee, for a total entitlement claim of **\$1105**.

### **Conclusion**

I grant an order of possession to the landlord. 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 **\$326.52** in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of **\$778.48**. If necessary, this order may be filed in the Small Claims Court and enforced as an order of that Court.

Dated February 04, 2009