

Dispute Codes: OPR, OPL, MNR, MNSD, MNDC, FF, CNC, CNL, OLC, ERP, PSF, AAT

This hearing dealt with a cross applications by the parties. The landlord made an application for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant made two applications 1) to cancel the notices to end tenancy; 2) for the landlord to provide services or facilities required by law, to make repairs and emergency repairs, to comply with the Act and to allow access to the unit for the tenant or the tenant's guest; and 3) for a monetary order for the costs of emergency repairs.

During the hearing, the landlord withdrew his application for a monetary order for the \$50.00 filing fee. I therefore dismiss the landlord's application in this regard.

On November 1, 2008, the landlord collected a security deposit in the amount of \$100.00 from the tenant. On December 1, 2008, the landlord collected an additional amount of security deposit of \$125.00 from the tenant. The tenancy started on November 1, 2008. A monthly rent in the amount of \$450.00 is payable in advance on the first day of each month. The tenant failed to pay rent in the months of December, February, March and April and on April 6, the landlord served the tenant with a notice to end tenancy for non-payment of rent. On April 2, the landlord also served the tenant with a notice to end tenancy for landlord's use of property.

Based on the testimony given by both parties and the documentary evidence, I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant acknowledged that he had not paid the outstanding rent for a total amount of \$900.00. He said that on April 17, he tried to pay the landlord \$450.00 but the landlord refused on the basis that it was not the full amount of the outstanding rent. Based on the above facts, I find that the landlord is entitled to an order of possession. The tenant must be served with the 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.

The landlord is seeking recovery of outstanding rent of \$50.00 for December, \$150.00 for February, \$250.00 for March and \$450.00 for April. Based on the above, I find that the landlord has established a total claim for \$900.00 in unpaid rent. I order that the landlord retain the security deposit and interest of \$225.41 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$674.59. This order may be filed in the Small Claims Court and enforced as an order of that Court.

During the hearing, the tenant repeatedly refused to proceed with his applications on the basis that I would not give him my first name and that I lack jurisdiction to deal with his applications. I therefore dismiss the tenant's applications.