Dispute Resolution Services

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes   OPR, MNR, MNDC, FF

Introduction

Some documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties .

All testimony was taken under affirmation.

Issues(s) to be Decided

This is a request for an Order of Possession based on a notice to end tenancy for non-payment of rent and a request for a monetary order for $927.00. The applicant is also requesting an order that the respondent bear the $50.00 cost of the filing fee that he paid for today's dispute resolution hearing.

Decision and reasons

The tenant has failed to comply with a Notice to End Tenancy and rent in the amount of $867.00 is still outstanding to the end of August 2009.

The tenant testified that he does not believe it's his fault that the rent is outstanding because his sub-tenant failed to pay him and therefore he had no control over the rent being paid; however the tenant is responsible to ensure that the rent is paid and if his

sub-tenant fails to pay him that does not release him from his responsibility of making sure that his rent is paid to the landlord.

Therefore, pursuant to Section 48, I have issued an order of possession for 12 noon on October 31st. 2009.

The landlord(s) is given a formal Order of Possession and the tenant(s) **must** be served with this Order as soon as possible.

I further Order pursuant to Section 60 that the respondent(s) pay to the applicant(s) the sum of:

Outstanding rent to August 31, 2009	$867.00
Filing fee	$50.00
Total	$977.00

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: September 30, 2009.

Dispute Resolution Officer