



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Ministry of Housing and Social Development

## **DECISION**

### Dispute Codes:

OPB, MNR, MNSD, MNDC, FF

### Introduction

This hearing was scheduled in response to the Landlord's Application for Dispute Resolution, in which the Landlord has made application for an Order of Possession for Breach of a tenancy agreement, a monetary Order for unpaid rent, a monetary Order for money owed or compensation for damage or loss, to retain all or part of the security deposit, and to recover the filing fee from the Tenant for the cost of this Application for Dispute Resolution.

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 relevant oral evidence, to ask relevant questions, and to make relevant submissions to me.

### Issue(s) to be Decided

The issues to be decided are whether the Landlord is entitled to an Order of Possession because the fixed term tenancy has ended; for 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 38, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

### Background and Evidence

The Agent for the Landlord and the Tenant agree that they entered into a fixed term tenancy agreement that required the Tenant to vacate the rental unit on September 30, 2009; that the parties have not agreed to extend the duration of their tenancy; that the Tenant has not vacated the rental unit; that the Tenant is required to pay monthly rent of \$605.00 on the first day of each month; and that the Tenant paid a security deposit of \$250.00 on October 03, 2006.

The Agent for the Landlord and the Tenant agree that the Tenant has not paid rent for October, November, or December of 2009.

### Analysis

I find that the Tenant entered into a tenancy agreement with the Landlord that required the Tenant to vacate the rental unit on September 30, 2009 and to pay monthly rent of \$605.00 on the first day of each month. Section 26(1) of the *Act* requires tenants to pay rent to their landlord.

Based on the undisputed evidence, I find that the Tenant has not paid rent for October, November, or December of 2009. As she is required to pay rent pursuant to section 26(1) of the *Act*, I find that the Tenant must pay \$1,815.00 in outstanding rent to the Landlord.

Section 55(2) of the *Act* authorizes landlords to seek an Order of Possession when the tenancy agreement is a fixed term tenancy agreement that provides that the tenant will vacate the rental unit at the end of the fixed term. I therefore find that the Landlord is entitled to an Order of Possession on the basis that the fixed term tenancy has ended and the Tenant has not yet vacated the rental unit. As I have ordered the Tenant to pay rent for the month of December, I grant the Landlord an Order of Possession that is effective on December 31, 2009.

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

I find that the Landlord is entitled to retain the Tenant's security deposit plus interest, in the amount of \$257.89, in partial satisfaction of the monetary claim.

### Conclusion

The Landlord has been granted an Order of Possession that is effective at 1:00 p.m. on December 31, 2009. 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 \$1,865.00, which is comprised of \$1,815.00 in unpaid rent and \$50.00 in compensation for the filing fee paid by the Landlord for this Application for Dispute Resolution. The Landlord will be retaining the Tenant's security deposit plus interest, in the amount of \$257.89, in partial satisfaction of the monetary claim.

Based on these determinations I grant the Landlord a monetary Order for the balance of \$1,557.11. 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.

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*.

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Dated: December 08, 2009.

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Dispute Resolution Officer