



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

DISPUTE CODES: OP MN CNC RP

This hearing dealt with (a) an application by the landlord for an order of possession and a monetary order; and (b) an application by the tenant for an order setting aside the landlord's Notice to End Tenancy and an order that the landlord make repairs to the rental unit. Both parties attended the hearing and had an opportunity to be heard.

At the outset of the hearing the landlord withdrew its application due to the fact that the tenant had never been served with the hearing package. However, the landlord did make an oral request for an order of possession in the event that the tenant's application for an order setting aside the Notice to End tenancy was not successful.

The facts before me are as follows. This tenancy began on September 19, 2009. The rent was \$1,200.00 due in advance on the first day of each month. The tenancy agreement specified that the tenant would pay a security deposit of \$600.00 on September 19, 2009 and a pet damage deposit of \$550.00 on September 19, 2009. The tenant paid the security deposit but never paid the pet damage deposit. On October 27, 2009 the landlord served the tenant with a one month Notice to End Tenancy for (a) failure to pay the pet damage deposit; (b) allowing an unreasonable number of occupants in the unit; and (c) breaching a material term of the tenancy agreement and not correcting it within a reasonable time after written notice to do so. The tenant disputed the Notice on November 2, 2009.

Based on the above facts, I find that the landlord has proved that the tenant did not pay the pet damage deposit within 30 days as required by the tenancy agreement. It is not necessary for me to determine whether the landlord has proved the other two allegations contained in the Notice. The landlord is only required to prove one of the

allegations. I therefore dismiss the tenant's application to set aside the landlord's Notice and grant the landlord an order of possession effective two days after service on the tenant. This order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As this tenancy is coming to an end, I dismiss the tenant's application for an order that the landlord make repairs to the rental unit.