

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF, CNL, ERP, LRE, O, RR

### 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

At the beginning of the hearing the tenant requested an adjournment stating he had not had sufficient time to gather evidence for the hearing due to the fact that he suffered from depression, however I denied the request as it is my decision that there has been sufficient time, since his original application was filed on January 20, 2010.

This decision deals with two applications for dispute resolution, one brought by the tenant and one brought by the landlords. Both files were heard together.

The tenants application is a request to cancel a 2 month Notice to End Tenancy for landlord use, and the 10 day Notice to End Tenancy for non-payment of rent. The tenant is also requesting a monetary order of \$200.00.

Landlord's application was a request for an Order of Possession based on the 10 day notice for non-payment of rent, and a request for a monetary order for \$2600.00 and outstanding rent and lost revenue; however at the hearing the landlord reduced the monetary claim to \$1800.00

### Background and Evidence

The landlord testified that:

- The tenant still owes \$200.00 from January 2010.
- The tenant still owes the full February 2010 rent of \$800.00.
- The tenant now owes the full March 2010 rent of \$800.00.

The landlord is therefore requesting an Order of Possession based on the 10 day Notice to End Tenancy that was served on the tenant on February 5, 2010.

The landlord is also requesting a monetary order for the outstanding rent totalling \$1800.00.

The tenant testified that:

- He does owe the full February 2010 rent of \$800.00 and the full March 2010 rent of \$800.00; however he does not believe he owes any money for January 2010, as he has done work for the landlord which has not been deducted from the rent.

The tenant therefore requests that the Notice to End Tenancy be cancelled and that the tenancy continues.

### Analysis

The tenant has admitted to owing at least \$1600.00 at this time, and therefore I will not be setting aside the Notice to End Tenancy and will be issuing an order possession to the landlords.

I also allow the landlords claim for the \$50.00 filing fee.

It is my finding that the tenant has not met the burden of proving that the landlord owes him \$200.00 for work he has done on the rental unit. The tenant has supplied no evidence in support of this claim.

### Conclusion

I have issued an Order of Possession to the landlord for two days after service on the tenant, and have issued a monetary order in favour of the landlord totalling \$1850.00.

The tenant's monetary claim is dismissed without leave to reapply, and since this tenancy is ending pursuant to the 10 day notice for non-payment of rent there is no need for me to deal with the request to have the 2 month Notice to End Tenancy cancelled. The tenant's full application is dismissed.

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: March 03, 2010.

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Dispute Resolution Officer