

DECISION

Dispute Codes:

OPR, MNR, MNSD, FF, CNR,

Introduction

This hearing dealt with applications by the landlord and the tenant, pursuant to the *Residential Tenancy Act*. The landlord applied for an order of possession and for a monetary order for unpaid rent and the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her monetary claim. The tenant applied for an order to cancel the notice to end tenancy.

Both parties attended the hearing and were given full opportunity to present evidence and make submissions.

Issues to be decided

Is the landlord entitled to an order of possession or should the notice to end tenancy be set aside? Is the landlord entitled to a monetary order for unpaid rent and the filing fee? Is the landlord entitled to retain the security deposit in partial satisfaction of her claim?

Background and Evidence

The landlord and tenant entered into a tenancy agreement on November 01, 2009. The rent is \$1,500.00 per month due on the first day of each month. The tenant paid a security deposit of \$750.00.

The tenant failed to pay rent for April and May 2010. On May 24, 2010, the landlord served the tenant with a ten day notice to end tenancy. The tenant continues to occupy the rental unit and now owes rent for April, May, June and July 2010. The tenant did not dispute the amount of rent owed to the landlord.

The landlord has applied for an order of possession effective July 31, 2010 and for a monetary order in the amount of \$6,050.00 which consists of \$6,000.00 for unpaid rent and \$50.00 for the filing fee. The landlord also applied to retain the security deposit in partial satisfaction of her claim.

Analysis

Based on the sworn testimony of both parties, I accept the landlord's evidence in respect of the claim. The tenant received the notice to end tenancy on May 24, 2010 and did not pay overdue rent as of the date of this hearing. Therefore, the notice is upheld and pursuant to section 55(2) I am issuing a formal order of possession effective July 31, 2010. This Order may be filed in the Supreme Court for enforcement.

I find that the landlord has established a claim of \$6,000.00 for unpaid rent. Since the landlord has proven her claim, she is also entitled to the recovery of the filing fee of \$50.00. I order that the landlord retain the security deposit of \$750.00 in partial satisfaction of the claim, and I grant the landlord an order under section 67 of the *Residential Tenancy Act* for the balance due of **\$5,300.00**. This order may be filed in the Small Claims Court and enforced as an order of that Court.

Conclusion

I grant the landlord an order of possession effective on or before **1:00 p.m. on July 31, 2010**. I also grant the landlord a monetary order in the amount of **\$5,300.00**

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: July 19, 2010.

Dispute Resolution Officer