



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes CNR, OLC, OPR, MNR, MNSD, MNDC, FF

Introduction

This was the hearing of applications by the tenants and by the landlord. The tenants applied to cancel a Notice to End Tenancy. The landlord requested a monetary order and an order for possession. The applications were heard together and the hearing was conducted by conference call. The tenants and the landlord participated in the hearing.

Issues(s) to be Decided

Should the Notice to End Tenancy be cancelled or is the landlord entitled to an order for possession?

Is the landlord entitled to a monetary order and if so in what amount?

Background and Evidence

The tenancy began October 1, 2009 for a fixed term with rent in the amount of \$4,050.00 payable on the first of each month. The tenants paid a security deposit of \$2,025.00 and a pet deposit of \$2,025.00 at the commencement of the tenancy.

During the hearing the tenants abandoned their application to cancel the Notice to End tenancy for unpaid rent. The tenants acknowledged that there are arrears of rent owing to the landlord. The tenants confirmed that they are moving out of the rental unit.

Analysis and conclusion

Based on the tenants' acknowledgement, I dismiss the tenants' application to cancel the Notice to End Tenancy and I grant the landlord an order for possession effective two days after service on the tenants. This order may be registered in the Supreme Court and enforced as an order of that court.

With respect to arrears of rent, the parties agreed that the amount of unpaid rent up to the end of August, 2010 is the sum of \$11,450.00 and from that amount there should be deducted \$400.00 paid by the tenants for repairs to the rental unit and the sum of \$224.00 paid by the tenants on account of the landlord's legal fees. This leaves a balance of \$10,826.00 due to the landlord. The landlord is entitled to recover the \$100.00 filing fee paid for his application for a total award of \$10,926.00. I order that the landlord retain the security and pet deposits of \$4,050.00 in partial satisfaction of this award and I grant the landlord a monetary order under section 67 in the amount of \$6,876.00. This order may be registered in the Small Claims Court and enforced as an order of that court.