

## **DECISION**

Dispute Codes      OPR, MNR, FF

### Introduction

A substantial amount of 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

This is a request for an order possession based on the Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$3050.00 and a request that the respondent bear the \$50.00 cost of the filing fee that was paid for the application for dispute resolution.

### Background and Evidence

The applicant testified that:

- The tenants had agreed to pay rent of \$1000.00 per month and utilities of \$150.00 per month.
- The tenants have been in the rental unit for five months and therefore should have paid a \$5,000.00 rent and \$750.00 in utilities, for a total of \$5,750.00

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- The total amount of rent and utilities paid by the tenant since the beginning of the tenancy is \$3150.00.
- Therefore the tenants still owes \$2600.00, less the \$500.00 security deposit that was collected.
- The tenant was served with a Notice to End Tenancy for non-payment rent on September 13, 2010 and has failed to vacate the rental unit.

The applicant is therefore requesting an Order of Possession for as soon as possible, and an order for the outstanding rent and utilities less the security deposit. The applicant is also requesting an order that the respondent bear the cost of the filing fee.

The respondent testified that:

- He did receive the Notice to End Tenancy and is moving this weekend and therefore he does not dispute the request for an Order of Possession.
- He never paid a security deposit, and the \$500.00 that the landlord is claiming as a security deposit was actually paid as rent and therefore he does not owe \$2600.00 in rent and utilities, he only owes \$2100.00

## Analysis

The tenant does not dispute the request for an Order of Possession and therefore I will issue an Order of Possession to the landlord.

The tenant denies ever paying a security deposit but admits that he owes \$2100.00 in outstanding rent and utilities. This is the same amount claimed by the landlord after she has deducted what she claims to be a security deposit.

Therefore I allow the landlords claim for \$2100.00 in outstanding rent and utilities.  
I also allow the claim for the \$50.00 filing fee



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## Conclusion

I have issued an Order of Possession for 1:00 p.m. October the 30th 2010.

I have also issued an order for the respondents to pay \$2150.00 to the applicant.

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: October 26, 2010.

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Dispute Resolution Officer