

DECISION

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

Introduction

This hearing dealt with the tenants' Application for Dispute Resolution to cancel a notice to end tenancy and the landlord's Application for Dispute Resolution seeking an order of possession and a monetary order.

The hearing was conducted via teleconference and was attended by the landlord's agent and the male tenant.

Issues(s) to be Decided

The issues to be decided are whether the landlord is entitled to an order of possession for unpaid rent; to a monetary order for unpaid rent; for all or part of the security deposit and to recover the filing fee from the tenants for the cost of the Application for Dispute Resolution, pursuant to Sections 38, 46, 55, 67, and 72 of the *Residential Tenancy Act (Act)*.

It must also be decided if the tenants are entitled to cancel a 10 Day Notice to End Tenancy for Unpaid Rent, pursuant to Section 46 of the *Act*.

Background and Evidence

The tenancy began in September 2009 as a month to month tenancy with a current monthly rent of \$800.00 due on the 1st of the month with a security deposit of \$400.00 paid on September 1, 2009.

The tenants submitted a copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on August 15, 2010 with an effective vacancy date of August 25, 2010 due to \$800 in unpaid rent.

The landlord submitted a copy of a 10 Day Notice to End Tenancy for Unpaid Rent issued on September 8, 2010 with an effective vacancy date of September 18, 2010 due to \$1,600.00 in unpaid rent.

The tenant testified that he agrees that they owe the landlord rent for the months of August, September and October 2010 and does not dispute the notices to end the tenancy.

Analysis

In light of the tenant's testimony, I dismiss the tenants' application in its entirety.

As the tenant acknowledges that they owe the landlord rent for the months of August, September and October 2010 and upon review of both 10 Day Notices to End tenancy, I find the notices to be valid and effective.

Conclusion

I find that the landlord is entitled to an Order of Possession effective **two days after service on the tenants**. This order must be served on the tenants and may be filed in the Supreme Court and enforced as an order of that Court.

I find that the landlord is entitled to monetary compensation pursuant to Section 67 in the amount of **\$2,450.00** comprised of \$2,400.00 rent owed and the \$50.00 fee paid by the landlord for this application.

I order the landlord may deduct the security deposit and interest held in the amount of \$400.00 in partial satisfaction of this claim. I grant a monetary order in the amount of **\$2,050.00**. This order must be served on the tenants and may be filed in the Provincial Court (Small Claims) and enforced as an order of that Court.

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 06, 2010.

Dispute Resolution Officer