



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

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

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

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$6,985.15, in outstanding rent and utilities, and a request that the respondents bear the \$100.00 cost of the filing fee that was paid for the application for dispute resolution.

Background and Evidence

The applicant testified that:

- There is \$5,300.00 rent outstanding to the end of November 2010.
- There is also \$1575.15 and utilities outstanding at this time and there are more utility bills yet to come.

The applicant is therefore requesting an Order of Possession and a monetary order.

The respondent testified that:

- She does not dispute the landlord's requests as they owe the full amount claimed by the landlords.
- Her husband had lost his job however he has now been hired full time and therefore they should be able to start paying all future rent, and utilities, and make payments on the outstanding amount.

The respondent is therefore asking to be allowed to continue renting the unit and to work out a payment plan with the landlords.

In response to the tenant's testimony, the landlord stated:

- They would be willing to allow the tenants to stay as long as the tenants were able to show them that they would be able to make reasonable payments to pay off the outstanding amount and would also pay the future rent and utility payments when they became due.
- They had previously worked out a payment plan with the tenants however the tenants did not stick to that plan and therefore they are little leery of the tenants claim that they will be able to make payments.
- She is worried that they may agree to a payment plan and then the tenants will not follow through.

Analysis

The tenant is not disputing the amounts outstanding and therefore I allow the landlords claim for \$6,875.15.

I also allow the claim for the \$100.00 filing fee.



Dispute Resolution Services

Page: 3

Residential Tenancy Branch
Ministry of Housing and Social Development

The landlord also has the right to an Order of Possession, and therefore I have issued an Order of Possession that is enforceable seven days after it served on the tenants. If the landlord decides to allow the tenants to stay and work out payment plan, they do not have to enforce the Order of Possession.

Since there is a possibility that this tenancy will continue I will not issue any order regarding the security deposit. Therefore the full security is deposit will stay in place until the end of the tenancy.

Conclusion

I have issued a monetary order for the respondents to pay \$6,975.15 to the applicants.

I have also issued an Order of Possession that is enforceable seven days after service on the respondents.

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: November 19, 2010.

Dispute Resolution Officer