



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Housing and Social Development

DECISION

Dispute Codes: *OPR, CNR, OPB, OPC, MNSD, MNDC, CNC, CNL, MNR, FF*

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 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.

At the start of the hearing, the tenant informed me that he was moving out on November 30, 2010. Therefore, the tenant's application to cancel the notice to end tenancy was moot and accordingly this hearing only dealt with the landlord's application for a monetary order. An order of possession will be granted to the landlord effective November 30, 2010.

Issues to be decided

Is the landlord entitled to a monetary order for unpaid rent and the filing fee?

Background and Evidence

The landlord and tenant entered into a tenancy agreement on September 01, 2010. The tenant paid a security deposit of \$250.00. The rent is \$500.00 per month due in advance on the last day of each month.

The tenant failed to pay rent for November and on November 01, 2010 the landlord served the tenant with a ten day notice to end tenancy. The landlord also served the tenant with a notice to end tenancy for cause. The tenant applied to dispute the notice within five days but as of the day of the hearing had not paid rent for November.

The landlord is claiming rent for the month November in the amount of \$500.00 plus the filing fee of \$50.00.

Analysis

The tenant agreed to move out on November 30, 2010. Pursuant to section 55(2) I am issuing a formal order of possession effective this date. The Order may be filed in the Supreme Court for enforcement.

I also find that the landlord is entitled to \$500.00 for unpaid rent plus \$50.00 for the filing fee. I order that the landlord retain the security deposit of \$250.00 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 \$300.00. This order may be filed in the Small Claims Court and enforced as an order of that Court.

The tenant's application is dismissed in its entirety.

Conclusion

I grant the landlord an order of possession effective on or before 1:00 p.m. on November 30, 2010. I also grant the landlord a monetary order in the amount of **\$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: November 29, 2010.

Dispute Resolution Officer