



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, FF, MNR, MNSD

Introduction

Some written arguments have been submitted 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.

Issue(s) to be Decided

This is a request for an Order of Possession, a request for a monetary order for \$750.00, a request that the respondent bear the \$50.00 cost of the filing fee, and a request that the landlord be allowed to keep the full security deposit towards this claim.

Background and Evidence

The applicant testified that:

- At this time the full rent for the months of December 2010 and January 2011 is still outstanding.
- The tenant was served with a 10 day Notice to End Tenancy for non-payment of rent on December 8, 2010, however the tenant has not complied with that notice.

The applicant is therefore requesting an Order of Possession for as soon as possible and a monetary order as follows:

December 2010 rent	\$375.00
Filing fee	\$50.00
Total	\$800.00

The applicant's further request that they be allowed to keep the full security deposit of \$285.00 towards this claim and that a monetary order be issued for the difference.

The respondent testified that:

- Rent is paid directly from welfare and he has been informed by welfare that the rent has been mailed to the landlords and therefore he does not know why they have not received it.
- He has spoken to welfare and informed them that the landlord has not received the rent and therefore they have initiated an investigation.
- He does not want to move out of the rental unit as he would be homeless.

Analysis

The landlords have served the tenant with a valid 10 day Notice to End Tenancy for non-payment of rent and to date the full December 2010 rent, and January 2011 rent, is still outstanding. Therefore the landlords have the right to an Order of Possession and an order for the outstanding rent.

The tenant claims that the rent was sent to the landlord however he has supplied no evidence in support that claim and therefore it is my finding that rent totalling \$700.00 is outstanding.

I therefore allow the landlords monetary claim and the claim for the filing fee.

Conclusion



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I have issued an Order of Possession that is forcible two days after service on the tenants

I have also allowed the full monetary claim of \$800.00 and therefore the landlords may retain the full security deposit of \$285.00 and have issued a monetary order in the amount of \$515.00.

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: January 12, 2011.

Residential Tenancy Branch