



# Dispute Resolution Services

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Residential Tenancy Branch  
Ministry of Public Safety and Solicitor General

## **DECISION**

Dispute Codes      FF, MNDC, OPL

### Introduction

Some documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The respondent was served with notice of the hearing by registered mail that was mailed on January 5, 2011, but did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

### Issue(s) to be Decided

This is a request for an Order of Possession and a request for a monetary order for \$1050.00, plus the \$50.00 filing fee that the applicant paid for the application for dispute resolution.

### Background and Evidence

The applicant testified that:

- On October 31, 2010 he served the tenant with a two month Notice to End Tenancy for landlord use, which ended the tenancy on December 31, 2010.
- The tenant filed no dispute of that notice; however she has failed to vacate the rental unit on the required date.

- The tenant is still in the rental unit, and therefore he wants an Order of Possession for as soon as possible.
- Since the tenant failed to vacate when required he is also requesting rent for the month of January 2011 in the amount of \$1050.00.

### Analysis

The landlord has served the tenant with a valid two month Notice to End Tenancy and therefore the tenant should have vacated the rental unit on December 31, 2010, and since she did not I will allow the landlords request for an Order of Possession.

When a landlord gives a Notice to End Tenancy for landlord use, the landlord must pay the tenant the equivalent of one month's rent as compensation; however in this case the tenant has already has her compensation as she has withheld rent for the month of December 2010, and therefore it is my decision that she is liable for rent for the month of January 2011 for overholding.

I also allow the landlords claim for the filing fee

### Conclusion

I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenant.

I have also issued a monetary order in the amount of \$1100.00, to cover the January 2010 rent of \$1050.00, plus the \$50.00 filing fee.

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 21, 2011.

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Residential Tenancy Branch