



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OLC RP O OPR MNR FF

Introduction

This hearing dealt with applications by the tenant and the landlord. The tenant applied for an order that the landlord comply with the Act and an order for repairs. The landlord applied for an order of possession and a monetary order for unpaid rent.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Should the landlord be ordered to comply with the Act or make repairs?

Background and Evidence

The tenancy began on October 1, 2010 as a fixed term tenancy to end on January 31, 2011. Both the landlord and the tenant initialled to indicate that the tenancy would end and the tenant would move out at the end of the fixed term. Rent in the amount of \$575 was payable in advance on the first day of each month. The tenant failed to pay \$200 of the rent in December 2010 and further failed to pay \$382 in January 2011. The tenant did not vacate the rental unit on January 31, 2011, and did not pay any rent for February 2011. The landlord served the tenant a notice to end tenancy for unpaid rent on a form from 1998, which cited incorrect section numbers.

Analysis

The landlord served the tenant an outdated and therefore invalid notice to end tenancy for unpaid rent. However, as the tenancy was for a fixed term ending January 31, 2011, I find that the landlord is entitled to an order of possession based on the tenancy agreement.

The tenant did not dispute the monetary amounts owing. I find that the landlord is therefore entitled to \$582 in unpaid rent for December 2010 and January 2011, and \$575 for loss of revenue in February 2011.

As the tenancy has ended, I find it is not necessary to address the tenant's application for an order that the landlord comply or an order for repairs.

Conclusion

The tenant's application is dismissed.

I grant the landlord an order of possession effective two days after it is served on the tenant. The tenant must be served with the order of possession. Should the tenant fail to comply with the order, the order may be filed in the Supreme Court of British Columbia and enforced as an order of that Court.

As for the monetary order, I find that the landlord has established a claim for \$1157 in unpaid rent and lost revenue. The landlord is also entitled to recovery of the \$50 filing fee. I grant the landlord an order under section 67 for the balance due of \$1207. This order may be filed in the Small Claims Court 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: February 10, 2011.

Residential Tenancy Branch