



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR, MNR, MNSD, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit and recovery of the filing fee. Both parties participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

This tenancy began July 15, 2010 with monthly rent of \$900.00 and the tenants paid a security deposit of \$450.00. On February 27, 2011 the landlord served the tenants with a 1 Month Notice to End Tenancy for Cause. On February 3, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants have not paid rent for March 2011 and currently owe the landlord \$900.00 in unpaid rent. The landlord is seeking an order of possession as well as a monetary order for unpaid rent in this application.

The tenant testified that she understands that the landlord is owed the \$900.00 rent for March 2011 and she intends on paying the monies owed to the landlord. The tenant stated that she fully intends on vacating the rental unit March 31, 2011 which is the end tenancy date on the 1 Month Notice to End Tenancy for Cause that the landlord served on the tenants February 27, 2011. The tenant stated in this hearing that she is very willing to make the rental unit available to the landlord to show it to prospective tenants.

The tenant stated that she had no stove for one week and the electricity in her front rooms does not work however those issues are not part of this application and the tenant must file her own application to seek compensation from the landlord.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find on a balance of probabilities that the landlord has met the burden of proving that they have grounds for entitlement to an order of possession. As the tenant has based vacating the rental unit on the 1 Month Notice to End Tenancy for Cause with an end tenancy date of March 31, 2011, the landlord's order of possession will reflect this same date. I also find that the landlord is entitled to a monetary order for unpaid rent for March 2011.

I find that the landlord has established a monetary claim for \$900.00 in unpaid rent.

The landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession** effective not later than **2:00 PM, March 31, 2011**. This Order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$900.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order the landlord pursuant to s. 38(4) of the Act to keep the tenant's \$450.00 security deposit in partial satisfaction of the claim and I grant the landlord a monetary order under section 67 for the balance due of **\$500.00** ($\$900.00 + \$50.00 = \$950.00 - \$450.00 = \500.00)

A monetary order in the amount of **\$500.00** has been issued to the landlord and a copy of it must be served on the tenant. If the amount is not paid by the tenant, the Order may be filed in the Provincial (Small Claims) Court of British Columbia 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: March 23, 2011

Residential Tenancy Branch