

DECISION

Dispute Codes AS, FF, CNR, MNDC, MNR, MNSD, OPR

Introduction

This hearing dealt with cross applications. The landlord is seeking an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant is seeking an order to cancel the notice of unpaid rent, an order to allow the tenant to sublet and recovery of the filing fee. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is either party entitled to any or all of the above under the Act, regulation or tenancy agreement?

Background and Evidence

The tenancy began on or about December 1, 2010. Rent in the amount of \$1100.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$550.00. The tenant failed to pay the rent in full for the month of March and on March 4, 2011 the landlord served the tenant with a notice to end tenancy. A balance of \$368.00 is outstanding. The landlord also seeks loss of income for the month of April. The tenant's mother appeared for all the tenants. She advised at the outset of the hearing that the tenants were moving out of the rental unit. In her own testimony she stated she "wanted nothing" and wanted to tell the "girls side of things". She did not dispute that there was outstanding unpaid rent. She was unable to provide any evidence whether it is oral, documentary or witnesses to prove the tenant's claim.

Analysis

I accept the landlord's testimony and I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice. Based on the above facts I find that the landlord is entitled to an order of possession. 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 \$1468.00 in unpaid rent and loss of income. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$550.00 deposit in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$968.00. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$968.00. The landlord may retain the security deposit.

The tenant's application is dismissed.

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 30, 2011.

Residential Tenancy Branch