



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes OPR MNR MNSD FF CNR O

Introduction

This hearing dealt with applications by the landlord and the tenant. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel the notice to end tenancy. Both the landlord and the tenant participated in the teleconference hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent?

Background and Evidence

Rent in the amount of \$1060 is payable in advance on the first day of each month. The tenant failed to pay rent in the month of February 2011 and on February 25, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent via registered mail. The tenant stated that on February 7, 2011 she paid \$300.50 toward her rent for February 2011, and the landlord did not dispute this amount. The tenant further failed to pay any rent in the month of March 2011.

Analysis

I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant acknowledged that she did not pay the full outstanding rent. I therefore find that the landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$759.50 in unpaid rent for February 2011 and \$1060 in unpaid rent for March 2011. The landlord is also entitled to recovery of the \$50 filing fee, for a balance of \$1819.50.

Conclusion

The application of the tenant is dismissed.

I grant the landlord an order of possession effective two days after service. 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.

I grant the landlord a monetary order under section 67 for the balance due of \$1819.50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

I note that the landlord still holds the security deposit in trust and it must be dealt with in accordance with the Act. I did not hear evidence in the hearing regarding the amount of the security deposit or the date it was paid. Under section 38(4) of the Act, a landlord may retain the security deposit, and any applicable interest, from an amount that the tenant has been ordered to pay to the landlord. In this case, the landlord may retain the security deposit and applicable interest in partial compensation of the monetary order of \$1819.50. Applicable interest may be calculated using the Residential Tenancy Deposit Interest Calculator, found at <http://www.rto.gov.bc.ca/content/calculator/calculator.aspx>.

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