



Dispute Resolution Services

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Residential Tenancy Branch
Ministry of Public Safety and Solicitor General

DECISION

Dispute Codes: OPR, MNR

Introduction

This hearing dealt with an application by the landlord pursuant to the *Residential Tenancy Act* for orders as follows:

1. An Order of Possession; and
2. A monetary Order for the unpaid rent;

I accept that the tenant was properly served with the Notice to End Tenancy by personal service on March 1, 2011.

Both parties were given a full opportunity to be heard, to present evidence and to make submissions.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Does the landlord have cause to end this tenancy and receive an Order of Possession?
Is the landlord entitled to a monetary award for unpaid rent.

Background and Findings

Order of Possession

Based on the testimony of both the tenant and the landlord rent for part of October 2010 and all of March and April 2011 rent has not been paid. The tenant says he has reasons for not paying his rent and he has made an application seeking a monetary award from the landlord. Pursuant to Section 26(1) of the Residential Tenancy Act tenant must pay rent when it is due under the tenancy agreement whether or not the landlord complies with the Act. I therefore find that the landlord is entitled to an Order for Possession.

Monetary Order***Rental Arrears***

I find that there are rental arrears and I therefore grant the landlord a monetary order in the sum of \$1,437.50 calculated as follows:

October rental arrears	287.50
March full rent unpaid	575.00
April full rent unpaid	575.00
Total Arrears	1437.50

Security Deposit

The landlord holds a security deposit of \$287.50 paid December 9, 2009. Having found that the landlord is entitled to a monetary award I will use the offsetting provisions of the Residential Tenancy Act to offset the security deposit from the award made.

Filing Fees

The landlord did not apply to recover the filing fee therefore no such award has been made.

Calculation of total Monetary Award

Rental Arrears	\$1,427.50
Offset security deposit (no interest accrued)	-287.50
Total Monetary Award	\$1,140.00

Conclusion

The landlord is provided with a formal copy of an order of possession. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. Should the tenant(s) fail to comply with this Order, this Order may be filed and enforced as an Order of the Provincial Court of British Columbia.

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*.
