

DECISION

Dispute Codes OPL, MNR, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. Both parties participated in the conference call hearing. Both parties gave affirmed evidence.

Issues to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order for unpaid rent and loss of income?

Background and Evidence

The tenancy began on or about August 1, 2010. Rent in the amount of \$550.00 is payable in advance on the first day of each month. The tenant would pay \$175.00 and the rest of it was subsidized by the government. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$250.00. Both parties agree to the following; that a move in nor move out condition inspection was formally done in writing, the landlord gave the tenant a 2 Month Notice to End Tenancy for Landlord's use of Property on February 22, 2011, the tenant was to move out by April 22, 2011, the tenant did not move until May 31, 2011, an Order of Possession is no longer required. The landlord testified that the tenant still owes \$175.00 for the rent. The tenant testified to the following, that she is disputing that outstanding rent and in fact is seeking the return of her security deposit and that she is entitled to receive the equivalent to one month's rent as compensation.

Analysis

Firstly the tenant has not provided any evidence to what she was seeking nor has she made any formal application through the Branch; I therefore will dismiss her requests at this time and allow her to pursue the proper remedy if she wishes.

In regards to the landlord's application they were unable to satisfy me with their testimony or the documentary evidence provided that there is any outstanding rent. In the landlords own testimony they admitted receiving the tenants' rent cheque on May 28, 2011 and accepting it as rent.

Conclusion

The landlord'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: June 07, 2011.

Residential Tenancy Branch