



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

A substantial amount of documentary evidence and written arguments has been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is a request for an Order of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$9,600.00, and a request for recovery of the \$100.00 filing fee.

Background and Evidence

The applicant testified that:

- The applicant was served with a Notice to End Tenancy for non-payment of rent, on May 27, 2011.
- The applicant still has rent outstanding totalling \$7,900.00 to the end of July 2011.
- The applicant also has pets in the rental unit and has not paid a pet deposit.

- The tenant has more pets than are allowed in the strata property and as a result the strata has threatened to fine him a total of \$400.00 however to date no such fines have been issued.
- Although he claimed late fees on his application he is no longer requesting any late fees be paid.

The applicant is therefore requesting an Order of Possession be issued, and that an order be issued for the outstanding rent, pet deposit, and strata fines.

The respondents agent testified that:

- The tenant does not dispute that there is \$7,900.00 in rent outstanding.
- The tenant also admits to having received the Notice to End Tenancy for non-payment of rent.

Analysis

The tenant was served with a valid Notice to End Tenancy for non-payment of rent, and at this time there is still a substantial amount of rent outstanding. Therefore I will allow the landlords request for an Order of Possession.

I also allow the claim for \$7,900.00 in outstanding rent, because the tenant does not dispute this portion of the claim and admits that the full amount is outstanding.

Also allow the landlords request for recovery of the \$100.00 filing fee.

I have no authority to issue an order for the tenant to pay a pet deposit and therefore that portion of the claim is denied.

I also deny the request for strata fines; because at this time the claim is premature as no fines have yet been issued. The landlord is at liberty to reapply at a later date if fines are issued.

Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenant.

I have also allowed a total claim of \$8,000.00 and I therefore order that the landlord may retain the full security deposit of \$700.00 and have issued a monetary order in the amount of \$7,300.00.

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: July 12, 2011.

Residential Tenancy Branch