



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      FF, MNDC, MNR, MNSD, OPB, OPC, OPR

### Introduction

Some 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 possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$7,700.00, and a request to retain the full security deposit towards the claim.

### Background and Evidence

The applicant testified that:

- There is an extensive amount of rent outstanding and therefore on May 5, 2011 the tenant was served with a 10 day Notice to End Tenancy.
- The tenant has failed to vacate the rental unit and has failed to pay the outstanding rent.

The applicant is therefore requesting an Order of Possession for as soon as possible, and is requesting a monetary order as follows:

Rent outstanding to the end of July 2011	\$7,450.00
Landlords time spent to pursue the Dispute Resolution process	\$200.00
Filing fee	\$50.00
Total	\$7,700.00

The respondent testified that:

- He does owe the full amount of rent claimed by the landlord.
- He did receive the Notice to End Tenancy however has no money at this time to pay the outstanding rent or to move out of the rental unit.
- He is working with a church group who were attempting to raise the funds to pay the outstanding rent.
- He does not dispute the landlords request for an Order of Possession, or the claim for the outstanding rent.

### Analysis

The tenant is not disputing the landlords request for an order possession, or the request for an order for the outstanding rent, and therefore I allow the request for an Order of Possession and I allow a monetary order as follows:

Rent outstanding	\$7,450.00
Filing fee	\$50.00
Subtotal	\$7,500.00
Minus security deposit	- \$787.50
Total	\$6,712.50

I will not allow the claim for the landlord's time to pursue the dispute resolution process as this is a cost of the dispute resolution process and I have no authority to award costs other than the filing fee which I have awarded.

### Conclusion

I have issued an order possession that is enforceable two days after service on the tenant.

I have allowed \$7,500.00 of the landlords claim, and I therefore order that the landlord may retain the full security deposit of \$787.50, and have issued a monetary order in the amount of \$6,712.50.

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 21, 2011.

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Residential Tenancy Branch