

DECISION

Dispute Codes CNR, FF, PSF, RP, MNDC, MNR, MNSD, OPR

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 June 1, 2008. Rent in the amount of \$450.00 is payable in advance on the first day of each month. At the outset of the tenancy the landlord collected from the tenant a security deposit in the amount of \$200.00. The tenant failed to pay rent in the month(s) of July of \$430.00 and on July 14, 2011 the landlord served the tenant with a notice to end tenancy. The tenant further failed to pay rent in the month(s) of August in the amount of \$380.00 for a total of \$810.00 in unpaid rent.

The tenant testified to the following; he paid the July rent in cash but the landlord refused to give the tenant a receipt, he paid the August rent by cheque and was never told that the cheque was returned for "Non- Sufficient Funds" from the bank.

The landlord's agent provided witness testimony that the tenant had not paid any rent in the month of July and documentary evidence from the bank that shows the tenant had put a "stop payment" on his cheque.

Analysis

I accept the landlord's agent evidence and witness's testimony. I find that the tenant was served with a notice to end tenancy for non-payment of rent. The tenant did not pay the outstanding rent within 5 days of receiving the notice and although the tenant did apply for dispute resolution to dispute the notice the tenant has failed to provide any evidence that he did pay the rent. I do not accept the testimony of the tenant.

Based on the above facts I find that the landlord is entitled to an order of possession. 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.

As for the monetary order, I find that the landlord has established a claim for \$810.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I order that the landlord retain the \$200.00 deposit and the \$1.75 in interest which has accrued to the date of this judgment in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$658.25. This order may be filed in the Small Claims Division of the Provincial Court and enforced as an order of that Court.

Conclusion

The landlord is granted an order of possession and a monetary order for \$658.25. The landlord may retain the security deposit.

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: August 18, 2011.

Residential Tenancy Branch