



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      OPR, MNR, MNSD, MNDC, FF

### Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit, money owed or compensation due to damage or loss and recovery of the filing fee. Both parties participated in the conference call hearing and gave affirmed testimony.

### Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

### Background and Evidence

This fixed term tenancy began August 15, 2010 with monthly rent of \$745.00 and the tenants paid a security deposit of \$372.50. On June 15, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent.

The landlord testified that the tenants have not paid the \$745.00 rent for April, May, and June 2011 nor have they paid the July or August 2011 rent resulting in a total of \$3725.00 unpaid rent.

The tenant stated that he had financial problems but that he wanted to continue his tenancy and pay the rent owed to the landlord with a bi-weekly payment plan. The landlord stated that she was agreeable to a payment plan but that in addition to the bi-weekly payments the tenant still had to pay the full rent due at the start of each month.

The parties discussed what level of payment the tenant could afford and agreed that the tenant, effective August 9, 2011, will pay the landlord \$500.00 every two weeks to pay down the past due rent. These payments will be made in addition to the monthly rent that is due at the start of each month. The tenant stated that he would also make efforts to pay the past due balance down faster if possible.

The landlord has requested an order of possession and a monetary order and the landlord made it very clear in the hearing that both or either of these orders will be

enforced if the tenant is not able to keep up with the bi-weekly payment plan. Both parties agreed to ensure that they will stay in contact with each other regarding the tenancy and the payment plan.

Through the balance of 2011 or until such time as the past due amount is paid in full, payment dates will fall on the following days:

- August 9 - \$500.00
- August 23 - \$500.00
- September 1 – Monthly rent due
- September 7 - \$500.00
- September 20 - \$500.00
- October 1 – Monthly rent due
- October 4 - \$500.00
- October 18 - \$500.00
- November 1 – Monthly rent due
- November 8 - \$500.00
- November 22 - \$500.00
- December 1 – Monthly rent due
- December 13 - \$500.00
- December 28 - \$500.00

The landlord in this application is seeking \$2235.00 compensation in unpaid rent and an order of possession for unpaid rent.

### Analysis

A settlement was reached between the parties however the landlord is entitled to and has requested an order of possession for unpaid rent and a monetary order for unpaid rent. The tenant did not dispute the notice to end tenancy and acknowledged that the rent has in fact gone unpaid for the past 5 months.

The landlord and tenant have agreed in this hearing to a bi-weekly payment plan as outlined above and the tenant understands that the landlord may enforce the order of possession and monetary order if the payment plan schedule is not adhered to.

Accordingly I find that the landlord is entitled to a monetary order for \$2235.00 and an order of possession for unpaid rent. As the tenancy will continue the monetary order will not be offset with the security deposit.

As the landlord has been successful in their application the landlord is entitled to recovery of the \$50.00 filing fee.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenants. This Order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$2235.00 in unpaid rent. The landlord is also entitled to recovery of the \$50.00 filing fee. I grant the landlord a monetary order under section 67 for the amount of **\$2285.00**.

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: August 5, 2011.

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Residential Tenancy Branch