



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR MNR MNSD MNDC CNR FF

Introduction

This hearing dealt with application by the landlord and the tenant. The landlord applied for an order of possession, a monetary order and an order to retain the security deposit in partial satisfaction of the claim. The tenant applied to cancel the notice to end tenancy. Two agents for the landlord and the tenant participated in the conference call hearing.

Issue(s) to be Decided

Is the landlord entitled to an order of possession?

Is the landlord entitled to a monetary order?

Background and Evidence

The tenancy began on July 1, 2011. Rent in the amount of \$925 is payable in advance on the first day of each month. At the outset of the tenancy, the landlord collected a security deposit from the tenant in the amount of \$462.50. The tenant's rent cheque for October 2011 was returned for insufficient funds, and on October 24, 2011 the landlord served the tenant with a notice to end tenancy for non-payment of rent. The tenant further failed to pay rent in the month of November 2011. The landlord has claimed \$925 in unpaid rent for October 2011, an NSF fee of \$25 for October 2011 and \$925 lost revenue for November 2011. The tenant did not dispute these facts.

Analysis

The tenant was served with a notice to end tenancy for non-payment of rent and has not paid the outstanding rent. I therefore find that the notice to end tenancy is valid and landlord is entitled to an order of possession.

As for the monetary order, I find that the landlord has established a claim for \$1875 in unpaid rent. As the landlord's application is successful, they are also entitled to recovery of the \$50 filing fee for the cost of their application.

As the tenant's application was not successful, she is not entitled to recovery of her security deposit.

Conclusion

The application of the tenant is dismissed.

I grant the landlord an order of possession effective two days from service. 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.

The landlord is entitled to \$1925. I order that the landlord retain the security deposit of \$462.50 in partial satisfaction of the claim and I grant the landlord an order under section 67 for the balance due of \$1462.50. This order may be filed in the Small Claims Court and enforced as an order of that Court.

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: November 22, 2011.

Residential Tenancy Branch