



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, photo 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 outstanding rent totalling \$840.00, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicants testified that:

- The tenant failed to pay \$150.00 of the December 2011 rent and therefore on December 11, 2011 a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date the tenant has failed to comply with that notice and now the full \$690.00 January 2012 rent is also outstanding.

The applicant is therefore requesting an Order of Possession for as soon as possible, and an order for the full outstanding rent in the amount of \$840.00. The applicant further requests recovery of the \$50.00 filing fee and an order to keep the full security deposit towards the claim.

The respondent testified that:

- She does owe \$150.00 for the December 2011 rent and therefore does not dispute the claim for that outstanding rent
- She also does not dispute the landlords request for an Order of Possession.
- She does dispute the claim for the January 2012 rent however because she believes this has been paid by the government.

Analysis

The tenant is not disputing the request for an Order of Possession and therefore I have issued an immediate Order of Possession, as the tenant says she has already vacated.

I also allow the landlords full claim for outstanding rent for December and January because although the tenant believes that the government has paid the January 2011 rent she has provide no evidence in support that claim.

I also order recovery of the \$50.00 filing fee

Conclusion

I have issued an immediate Order of Possession.

I also allow the landlords full monetary claim of \$890.00, and I therefore order that the landlord may retain the full security deposit of \$345.00 and have issued a monetary order in the amount of \$545.00

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: January 12, 2012.

Residential Tenancy Branch