



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, 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 of Possession based on a Notice to End Tenancy for non-payment of rent, a request for a monetary order for \$2200.00 in unpaid rent, and a request for recovery of the \$50.00 filing fee.

Background and Evidence

The applicant testified that:

- The tenants failed to pay the January 2012 rent and therefore on January 3, 2012 they were personally served with a 10 day Notice to End Tenancy for non-payment of rent.
- To date the tenants have failed to comply with the Notice to End Tenancy and have failed to pay any further rent.

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

Rent outstanding for January 2012	\$1100.00
Rent outstanding for February 2012	\$1100.00
Filing fee	\$50.00
Total	\$2250.00

The respondent testified that:

- He has not paid the January 2012 or February 2012 rent and he did receive the Notice to End Tenancy.
- He wants to resolve the issue and stay in the rental unit and can have the full rent for both January 2012 and February 2012 by this coming Friday, February 10, 2012.
- He therefore asks to have the tenancy continue.

Analysis

The tenant has admitted that the full January 2012 and February 2012 rent is outstanding and he has also admitted to receiving a Notice to End Tenancy, and therefore the landlord has the right to both an Order of Possession and an order for the outstanding rent.

I also allow the landlords request for recovery of the filing fee.

The tenant claims that he will be able to pay the full rent by this coming Friday, however at this point since the full amount is still outstanding I am not able to extend this tenancy.

Conclusion

I have issued an Order of Possession to the landlord that is enforceable two days after service on the tenants.

I have issued a monetary order in the amount of \$2250.00.

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: February 06, 2012.

Residential Tenancy Branch