

DECISION

Dispute Codes OPC, MNR, FF

Introduction

This is an application filed by the Landlord for an order of possession and a monetary order for unpaid rent and to recover the filing fee.

Both parties attended the hearing by conference call and gave testimony.

Issue(s) to be Decided

Is the Landlord entitled to an order of possession?

Is the Landlord entitled to a monetary order for unpaid rent?

Background and Evidence and Analysis

Both parties agreed that there is no signed tenancy agreement. The monthly rent is \$500.00 and a security deposit of \$250.00 was paid by the Tenant.

The Landlord seeks an order of possession for cause for the reason that the rental unit must be vacated to comply with a government order. The Landlord has submitted a copy of the notice dated January 18, 2012 with an effective date of February 29, 2012 and a letter from the City of Surrey stating that the rental unit is an illegal suite and must be vacated. The Tenant states that he is in agreement with the notice and plans to vacate by the end of February 2012. As such, I find that as both parties are in agreement that the Landlord shall be granted an order of possession to reflect the effective date of the notice to comply with the government order. The Landlord is granted an order of possession for February 29, 2012 at 1:00 pm.

The Landlord also seeks a monetary order for unpaid rent of \$500.00 for February 2012. The Tenant stated in his direct testimony that rent was \$500.00 per month and that he did not pay the rent. The Tenant states that rent is normally paid from the 1st to 5th of each month normally, when he received the application for dispute claiming unpaid rent on February 2, 2012. The Landlord disputes this stating that the Tenant notified him that no rent for February would be paid. I find based upon the Tenant's own direct testimony that rent of \$500.00 was due and was not paid. The Landlord is entitled to a monetary order for unpaid rent of \$500.00. With no agreement in place as

to when the rent is due each month, I find based upon the testimony of both parties that the Landlord is not entitled to recovery of the \$50.00 filing fee.

Conclusion

The Landlord is granted an order of possession for February 29, 2012.
The Landlord is granted a monetary order for unpaid rent of \$500.00.

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 21, 2012.

Residential Tenancy Branch