



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MT, CNR, OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing was convened in response to applications filed by both the tenant and the landlord. The tenant seeks:

1. More time to make this application; and
2. To cancel a Notice to End Tenancy given for unpaid rent.

The landlord seeks:

1. A monetary order pursuant to Section 67;
2. An Order of Possession pursuant to Section 55;
3. An Order to retain the security and/or pet deposit pursuant to Section 38; and
4. An Order to recover the filing fee pursuant to Section 72.

I accept that the tenant was properly served with the Notice to End Tenancy and both parties were served with the respective Applications for Dispute Resolution hearing packages.

Both parties attended and were given a full opportunity to be heard, to present evidence and to make submissions. Neither party requested an adjournment or a Summons to Testify.

On the basis of the solemnly sworn evidence presented at the hearing a decision has been reached.

Issue(s) to be Decided

Whether the landlord has cause to end this tenancy and receive an Order of Possession and whether the landlord is entitled to monetary order for unpaid rent and recovery of the filing fee.

Background and Findings

Order of Possession

The tenant agrees she has not paid the rent. The tenant's application to cancel the Notice is therefore dismissed and I find that the landlord is entitled to an Order for Possession. As this tenancy ended on the date set out on the 10 day Notice to End Tenancy, that is February 15, 2012, the landlord is entitled to a two day Order of Possession.

Monetary Order

Rental Arrears

The landlord testified that the tenant has not had a zero balance in rental arrears since August 2011 and that the total now owing is \$1,760.00 which includes rent owing for February and March 2012. I will therefore award the landlord a monetary order for rental arrears in the sum of \$1,760.00.

Security Deposit

I find further that the landlord is entitled to retain the security deposit and interest to the date of this decision in partial satisfaction of the rental arrears.

Filing Fees

I find that the landlord is entitled to recover the filing fees paid for this application.

Calculation of total Monetary Award

Rental Arrears	\$1,760.00
Less Security Deposit and interest from March 1, 2005 to the date of this Order	-388.27
Total Monetary Award	\$1,421.73

Conclusion

The landlord is provided with a formal copy of an order of possession. This is a final and binding Order enforceable as any Order of the Supreme Court of British Columbia.

The landlord is provided with a formal copy of an order for the total monetary award as set out above. This is a final and binding Order enforceable as any Order of the Provincial Court of British Columbia.

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: March 08, 2012.

Residential Tenancy Branch