



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

Some documentary evidence and written arguments have 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 her rent, a request for a monetary order for outstanding rent, and a request for recovery of the filing fee.

Background and Evidence

The applicant testified that:

- The tenant failed to pay the March 2012 rent and therefore on March 9, 2012 the tenant was served with a 10 day Notice to End Tenancy for non-payment of rent.
- To date the tenant has failed to pay the outstanding rent and has failed to comply with the Notice to End Tenancy, and now April 2012 rent is also outstanding.
- He is therefore requesting an Order of Possession for as soon as possible, an order for the outstanding rent, and an order to keep the security deposit towards the claim.

The respondent testified that:

- She does not dispute that there is two months' rent outstanding and fully intends to pay the rent when she is able.

- She is not able to pay the rent at this time however because she lost her job as a result of some harassment that was happening at the rental property.
- She is attempting to move and will move as soon as possible, but does not know at this time when she will be able to be out of the rental unit.

Analysis

It is my finding that the tenant has been served with a valid 10 day Notice to End Tenancy, and has failed to comply with that notice and has also failed to pay any further rent, and therefore I allow the landlords request for an Order of Possession.

The tenant admits that she also owes two months' rent totalling \$2300.00 and therefore I allow the landlords request for an order for that outstanding rent.

I also order recovery of the \$50.00 filing fee.

Conclusion

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

I have allowed a monetary claim of \$2350.00 and I therefore order that the landlord may retain the full security deposit of \$575.00 and I have issued a monetary order in the amount of \$1775.00.

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: April 16, 2012.

Residential Tenancy Branch