



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, MNR, MNSD, 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 decision deals with two applications for dispute resolution, one brought by the tenants and one brought by the landlords. Both files were heard together.

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for non-payment rent, a request for a monetary order for that outstanding rent, and a request to retain the full security deposit towards the claim. The landlords are also requesting recovery of their \$50.00 filing fee.

The tenant's application is a request for an order cancelling a Notice to End Tenancy.

Background and Evidence

The landlords testified that:

- The rent for this unit is \$1400.00 per month and rent is due in two payments of \$700.00, one on the 1st and one on the 15th of the month.
- The tenant has failed to pay the last three payments and therefore at this time there is \$2100.00 in rent outstanding.
- On June 23, 2012 the tenant was personally served with a 10 day Notice to End Tenancy for non-payment of rent and has failed to comply with that notice.

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

June 15, 2012 rent payment outstanding	\$700.00
July 1, 2012 rent payment outstanding	\$700.00
July 15, 2012 rent payment outstanding	\$700.00
Filing fee	\$50.00
Total	\$2150.00

The landlord's further request an order allowing them to keep the full security deposit of \$700.00 towards the claim and request that a monetary order be issued for the balance.

The tenant testified that:

- She agrees that she has not made the last three rental payments for a total of \$2100.00.
- She has applied for disability and had thought that the disability payments would have started by now, however they have not and therefore she does not have the money to pay the rent.
- She believes the landlords should allow her to stay in the rental unit as she has been a good tenant for year and thinks they should wait for her to get her disability payments.

The tenant is therefore requesting that the Notice to End Tenancy be cancelled and that the tenancy be allowed to continue.

Analysis

It is my finding that the landlords have the right to an Order of Possession to this rental unit because, at this time, there is a significant amount of rent overdue and therefore I will not set this Notice to End Tenancy aside and I will be issuing an Order of Possession to the landlords.

The tenant has also admitted that, at this time, there is \$2100.00 in rent outstanding and therefore I will allow the landlords request for an order for that outstanding rent, and an order to retain the full security deposit towards the claim.

I also allow the landlords request for recovery of the \$50.00 filing fee.

Conclusion

Tenant's application

The tenant's application is dismissed without leave to reapply.

Landlord's application

I have issued an Order of Possession to the landlords for two days after service on the tenants.

I have allowed the landlords full monetary claim of \$2150.00 and I therefore order that the landlords may retain the full security deposit of \$700.00 and have issued a monetary order in the amount of \$1450.00.

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: July 17, 2012.

Residential Tenancy Branch