



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

### Dispute Codes:

**OPR, MNR, FF**

### Introduction

This hearing was scheduled in response to the landlord's Application for Dispute Resolution, in which the landlord has requested an Order of Possession for Unpaid Rent, a monetary Order for unpaid rent and to recover the filing fee from the tenant for the cost of this Application for Dispute Resolution.

Both parties were present at the hearing. At the start of the hearing I introduced myself and the participants. The hearing process was explained, evidence was reviewed and the parties were provided with an opportunity to ask questions about the hearing process. They were provided with the opportunity to submit documentary evidence prior to this hearing, all of which has been reviewed, to present affirmed oral testimony and to make submissions during the hearing. I have considered all of the evidence and testimony provided.

The tenant testified that she gave her co-tenant his copy of the Hearing documents that had been sent to their address via registered mail. Both Hearing packages were mailed in the same envelope. Therefore, as the female tenant confirmed delivery of the documents to her co-tenant, I find that he was sufficiently served with Notice of the hearing.

### Issue(s) to be Decided

Is the landlord entitled to an Order of possession for unpaid rent?

Is the landlord entitled to a monetary Order for unpaid rent?

Is the landlord entitled to filing fee costs?

### Background and Evidence

The tenancy commenced on August 31, 2011, rent is \$1,000.00 per month, due on or before the first day of each month. A copy of the tenancy agreement signed by the parties was submitted as evidence.

The landlord submitted that on May 30, 2012, a Ten (10) Day Notice to End Tenancy for Unpaid Rent, which had an effective date of June 9, 2012, was served by posting to the tenant's door at 7:15 p.m. with a witness present.

The Notice indicated that the Notice would be automatically cancelled if the landlord received \$2,000.00 within five days after the tenant were assumed to have received the Notice. The Notice also indicated that the tenant were presumed to have accepted that the tenancy was ending and that the tenants must move out of the rental by the date set out in the Notice unless the tenants filed an Application for Dispute Resolution within five days.

### Mutual Agreement

The tenant confirmed receipt of the Notice ending tenancy. The tenant also confirmed that the landlord is entitled to compensation for unpaid rent for April, May, June and July 2012, in the sum of \$4,000.00.

The parties mutually agreed that the tenants will provide vacant possession of the unit by 1 p.m. on July 23, 2012.

Therefore; based on the mutual agreement of the parties, I Order that the tenancy will end no later than 1 p.m. on July 23, 2012.

Based on the acknowledgment of the tenant and the agreement that the landlord is entitled to compensation for unpaid rent, I have issued the landlord a monetary in the sum of \$4,000.00 for unpaid rent from April to July, 2012, inclusive.

Section 72(2) of the Act provides a dispute resolution officer with the ability to deduct any money owed by a tenant to a landlord, from the deposit due to the tenant. During the hearing the parties agreed that the deposit may be retained by the landlord in partial satisfaction of the claim. Therefore, I Order that the landlord may retain the tenant's security deposit, in the amount of \$500.00 in partial satisfaction of the monetary claim.

The parties were informed that I also found that the application has merit and that the landlord is entitled to filing fee costs in the sum of \$50.00.

### Conclusion

By mutual agreed of the parties and my Order the landlord has been granted an Order of Possession that is effective no earlier than **1 p.m. on July 23, 2012**. This Order may be served on the tenants, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find, based on the acknowledgement of the tenant that the landlord has established a monetary claim, in the amount of \$4,050.00, which is comprised of \$4,000.00 in unpaid

rent, April to July, 2012, inclusive and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

The landlord will be retaining the tenant's security deposit in the amount of \$500.00, in partial satisfaction of the monetary claim.

Based on these determinations I grant the landlord a monetary Order for the balance of \$3,050.00. In the event that the tenants do not comply with this Order, it may be served on the tenants, filed with the Province of British Columbia Small Claims Court and enforced as an Order of that Court.

This decision is final and binding on the parties, unless otherwise provided under the Act, and 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 09, 2012.

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Residential Tenancy Branch