



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes:

OPR, MNR, MNDC, 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 damage or loss under the Act 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.

Preliminary Matter

There was no evidence before me of a claim for damage or loss under the Act; other than a written submission that the landlord may lose rent revenue for August; a loss that has yet to occur.

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 April 1, 2012; rent is \$700.00 due on the first day of each month. A deposit in the sum of \$350.00 was paid.

Mutual Agreement

The tenant confirmed that he has not paid rent due for June and July, 2012, in the sum of \$1,400.00.

The tenant and landlord reached a mutual agreement that the tenancy will end on July 16, 2012, at 8 p.m.

The parties mutually agreed that the landlord is entitled to an Order of possession that is effective at 8 p.m. on July 16, 2012; and understood I would then order the tenancy to end.

Based on the mutual agreement of the parties; pursuant to section 63(2) of the Act; I Order that the tenancy will end no later than 8 p.m. on July 16, 2012.

Based on the testimony of the parties and the acknowledgement of the tenant, I find the landlord is entitled to a monetary order in the sum of \$1,400.00 for June and July, 2012, rent owed.

As the landlord's application has merit I find that the landlord is entitled to the \$50.00 filing fee.

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.

Therefore, as the landlord indicated they wished to retain the deposit, I find that the landlord may retain the tenant's security deposit in the amount of \$350.00, in partial satisfaction of the monetary claim.

Conclusion

The landlord has been granted an Order of Possession that is effective at **8 p.m. on July 16, 2012**. This Order may be served on the tenant, filed with the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim, in the amount of \$1,450.00, which is comprised of unpaid June and July, 2012 rent and \$50.00 in compensation for the filing fee paid by the landlord for this Application for Dispute Resolution.

In partial satisfaction of the claim, the landlord will retain the \$350.00 deposit paid by the tenant

Based on these determinations I grant the landlord a monetary Order in the sum of **\$1,100.00**. In the event that the tenant does not comply with this Order, it may be served on the tenant, 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 12, 2012.

Residential Tenancy Branch