



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNR, 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 is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for an order for the Outstanding rent and.

### Background and Evidence

The applicant testified that:

- This tenancy began on August 1, 2011 with a monthly rent of \$800.00
- The tenant has paid no rent since the month of May 2012.
- Rent is outstanding for the months of June 2012, July 2012, August 2012, and September 2012.

- The tenant was personally served with a 10 day Notice to End Tenancy on September 4, 2012 however the tenants have failed to comply with that notice.
- He is therefore requesting an Order of Possession for as soon as possible and an order for the outstanding rent totaling \$3200.00.

The respondent testified that:

- He paid \$600.00 in rent to the landlord on June 7, 2012.
- The landlord also agreed to credit him \$200.00 for a Playhouse.
- The landlord also agreed to credit him \$300.00 for two dryers,, one washer, and one stove, as his share of the sale price.
- Therefore at this time he only owes \$2100.00 in outstanding rent.

In response to the tenant's testimony the landlord testified that:

- The \$600.00 that was paid on June 7, 2012 was for outstanding rent from the month of May 2012.
- He never agreed to credit the tenant any money for a Playhouse, and in fact his girlfriend already paid cash for that Playhouse.
- He never agreed to credit the tenant for the sale of any appliances, and in fact none of the appliances have sold and therefore there is no money to credit.

### Analysis

It is my finding that the tenant has not met the burden of proving he paid any money towards the June 2012 rent.

The tenant claims to have a receipt for June 2012 rent however he has provided no copy of that receipt, and the landlord testified that that money was for outstanding May 2012 rent.

Is also my finding that the tenant has not met the burden of proving that the landlord ever agreed to credit the rent for Playhouse or any appliances.

Therefore at this time I find that there is a total of \$3200.00 in rent outstanding and I will be issuing an order for that outstanding rent and I also allow the request for an Order of Possession.

### Conclusion

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

I have issued a monetary order in the amount of \$3200.00.

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: September 17, 2012.

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Residential Tenancy Branch