



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNR, MNSD, OPR

Introduction

A substantial amount of 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, a request for a monetary order for \$9,150.00, and a request for recovery of the \$100.00 filing fee.

Background and Evidence

The applicant testified that:

- This tenancy began on August 1, 2012 with a monthly rent of \$2900.00 and a security deposit of \$1400.00 was collected.

- The tenant has failed to pay the September 2012 rent and the October 2012 rent for a total of \$5,800.00.
- On September 11, 2012 a 10 day Notice to End Tenancy was posted on the tenant's door, however the tenant has failed to comply with that notice and is still living in the rental unit.
- The tenant has also failed to pay her utilities, and at this time there is a total of \$448.07 in outstanding utilities.
- They are therefore requesting an Order of Possession for as soon as possible, and a monetary order for the outstanding rent and utilities.
- There are also asking for rent for the month of November 2012 in case the tenant does not vacate.

The respondent testified that:

- She does not dispute that the full rent is outstanding for the months of September 2012 and October 2012.
- She does not dispute the request for an order of possession.
- She does dispute the claim however for November 2012 rent, as November is not even here yet.
- She also disputes the amount that the landlord is claiming for utilities, because the utility accounts have been transferred to her name, although to date she has not pay any of them.

Analysis

The tenant has admitted to receiving a 10 day Notice to End Tenancy for nonpayment of rent, and is also admitting that the full rent is still outstanding for the months of September 2012 and October 2012. I therefore allow the landlords request for an order of possession, and for the outstanding rent.

I also allow the landlords claim for the outstanding utilities totaling \$440.07 because even if the tenant has transferred the accounts to her name she has failed to pay any of them and, if they are not paid, the amounts will be billed to the homeowner.

I also order recovery of the \$100.00 filing fee.

I will not allow the claim for November 2012 rent at this time, because the rental unit may yet be re-rented for that month.

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 \$6,340.07 and I therefore order that the landlord may retain the full security deposit of \$1400.00 and have issued a monetary order in the amount of \$4948.07

The claim for November 2012 lost rental revenue is dismissed with leave to reapply.

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: October 29, 2012.

Residential Tenancy Branch