



# Dispute Resolution Services

Page: 1

Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      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 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 \$1320.00, and a request for recovery of the \$50.00 filing fee.

### Background and Evidence

The applicant testified that:

- The tenants failed to pay the October 2012 rent, and therefore on October 2, 2012 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenants have failed to pay the full outstanding rent and have failed to vacate the rental unit.

- The tenants did pay \$500.00 towards the October 2012 rent however it was accepted for use and occupancy, only as the full rent was not paid.
- The tenants have also failed to pay any rent for the month of November 2012.

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

Rent outstanding for October 2012	\$385.00
Rent outstanding for November 2012	\$885.00
Late fee for October 2012	\$25.00
Late fee for November 2012	\$25.00
Filing fee	\$50.00
Total	\$1370.00

The tenants testified that:

- They do not dispute any of the landlords claims, as they will the full amount claimed.
- They ran into financial difficulties and therefore were unable to pay the rent.
- They are now catching up financially and will be able to pay the full outstanding rent, plus the December rent by December 8, 2012.
- They would like to stay in the rental unit if the landlord will allow them to do so.

In response to the tenant's testimony the landlord stated:

- If the tenants pay the outstanding amount, plus the December 2012 rent, in full, by December 8, 2012, they will allow the tenancy to continue; however they would still like an Order of Possession issued in case the tenants do not pay the full rent by December 8, 2012.

### Analysis

Since the tenants are not disputing any of the landlord's claims, I have allowed the requested orders.

### Conclusion

I have issued an Order of Possession that is enforceable two days after service on the tenants. (Note: the landlord stated that they will not enforce this order if the full outstanding amount plus the full December 2012 rent is paid by December 8, 2012.)

I have issued a Monetary Order in the amount of \$1370.00.

I make no order with regards to the security deposit at this time, because this tenancy may continue.

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: November 21, 2012.

---

Residential Tenancy Branch