



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNF, MNR, MNSD, MNDC, FF

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 unpaid rent, and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an order to retain the full security deposit and pet deposit towards the claim.

Background and Evidence

The applicant testified that:

- This tenancy began on August 8, 2011 with a monthly rent of \$570.00.
- The tenant paid a security deposit of \$285.00 and the pet deposit of \$200.00 on August 8, 2011.

- The tenant fell behind on the rent and therefore on October 2, 2012 a 10 day notice to end tenancy was posted on the tenant's door.
- To date the tenant has failed to comply with the notice, and has failed to pay any further rent.

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

August 2012 rent outstanding	\$230.00
September 2012 rent outstanding	\$570.00
October 2012 rent outstanding	\$570.00
November 2012 rent outstanding	\$570.00
December 2012 rent outstanding	\$570.00
Filing fee	\$50.00
Total	\$2560.00

The tenant testified that:

- He owes the full amount claimed by the landlord.
- He has had to pay for a medication it is very expensive and as a result he did not have the money to pay the rent.
- He would like to stay in the rental unit, however if the landlords want him to vacate he would like at least two weeks, as he has a roommate that will take him in, in two weeks.

Analysis

As there is a significant amount a rent outstanding, and since the tenant has been served with a valid 10 day notice to end tenancy, I will allow the landlords request for an order of possession for as soon as possible.

I also allow the landlords claim for \$2510.00 in rent outstanding, and for the \$50.00 filing fee.

Conclusion

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

I have allowed the landlords full monetary claim of \$2560.00, and I therefore order that the landlord may retain the full security/pet deposit of \$485.00, and I have issued a monetary order in the amount of \$2075.00.

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: December 10, 2012.

Arbitrator
Residential Tenancy Branch