



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes FF, MNDC, MNR, 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, and a request for a monetary order for \$4575.00.

At the hearing the landlord and tenant both came to an agreement to end the tenancy with an order of possession on January 31, 2012.

I therefore only deal with a monetary portion of this claim below.

Background and Evidence

The applicant testified that:

- This tenancy began on November 24, 2011 with a monthly rent of \$1100.00.
- The tenant has never paid the full security deposit, and at this time only \$375.00 security deposit has been paid.
- The tenants failed to pay the full rent for the month of October, and at this time there is a total of \$900.00 outstanding for October 2012.
- The tenant has paid no rent for the months of November 2012, December 2012, and January 2013.

- The tenant has also failed to pay her share of the utilities in the rental unit.
- The tenant's share of utilities is 70% of the utility bills. The total utilities are \$831.11, and therefore the tenants' portion is \$581.78.

The applicant is therefore requesting a monetary order as follows:

| | |
|------------------------------------|-----------|
| Rent outstanding for October 2012 | \$900.00 |
| Rent outstanding for November 2012 | \$1100.00 |
| Rent outstanding for December 2012 | \$1100.00 |
| Rent outstanding for January 2013 | \$1100.00 |
| Utilities outstanding | \$581.78 |
| Filing fee | \$50.00 |
| Total | \$4831.78 |

The respondent testified that:

- She does owe \$900.00 for October 2012 however she believes she paid the November 2012 rent.
- She has not paid any rent for the months of December 2012 and January 2013.
- The tenant later agreed that it does appear she has not paid the November 2012 rent either.
- She has not paid her share of the utilities either, however the landlord has never given her utility bills until just recently.
- As agreed upon with the landlord she is moving out at the end of January 2012 and she's willing to work out some kind of payment plan to pay off the outstanding rent and utilities.

Analysis

It is my finding that the landlord has shown that there is a total of \$4200.00 in rent outstanding, and a total of \$581.78 in utilities outstanding, and I therefore allow the landlords claim for those outstanding amounts.

I also order recovery of the \$50 filing fee.

I have no authority to issue an order for the tenant to pay any outstanding security deposit.

Conclusion

As agreed upon by the parties I have issued an Order of Possession for 1 p.m. January 31, 2012.

I've issued a Monetary Order in the amount of \$4831.78.

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: January 14, 2013

Residential Tenancy Branch

