



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 have 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 possession based on a notice to end tenancy for nonpayment of rent, a request for a monetary order for outstanding rent totaling \$2100.00, and request for recovery of the \$50.00 filing fee.

The applicant is also requesting an order to keep the full security deposit towards the claim.

Background and Evidence

The applicant testified that:

- This tenancy began on November 1, 2012 with the monthly rent of \$850.00.
- A security deposit of \$425.00 was paid previously on October 15, 2012.
- In November 2012 the tenant failed to pay the full rent, and at this time there is still \$400.00 rent outstanding for November 2012.
- The tenant has failed to pay any rent for the months of December 2012, and January 2013.
- The tenant has been served with two notices to end tenancy for nonpayment of rent, one was served in November 2012 and the second was served on December 7, 2012.

- To date, the tenant has failed to comply with either of the notices and has failed to pay any further rent, even after making numerous promises to do so.
- He is therefore requesting an order of possession for as soon as possible and a monetary order as follows:

Rent outstanding for November 2012	\$400
Rent outstanding for December 2012	\$850.00
Rent outstanding for January 2013	\$850.00
Filing fee	\$50.00
Total	\$2150.00

The respondent testified that:

- He does owe the full amount of rent claimed by the landlord; however it was because he ran into financial difficulties due to a dishonest employer.
- He is now fully employed and can pay this rent off quickly, and would like to stay in the rental unit.
- If he is not allowed to stay, he asks that at least he be allowed the stay to the end of January 2013, as he cannot afford to move his family right now.

In response to the respondent's testimony the applicant testified that:

- He is not willing to allow the tenants to stay in the rental unit and pay off the debt as he does not trust the tenant. The tenant has made numerous promises in the past to pay the outstanding amount, and has failed to honor any of those promises.
- He is also opposed to allowing the tenant to stay to the end of January 2013 as there is a substantial amount of rent outstanding and he would like to get possession and re-rent the unit.

Analysis

It is my finding that the landlord has served the tenant with 2 valid notices to end tenancy, and the tenant should have vacated the rental unit well before now. I therefore allow the landlord's request for an order of possession.

It is also my finding that there is a total of \$2100.00 in rent outstanding and I therefore allow the landlords claim for that outstanding rent.

I also allow the request for recovery of the \$50.00 filing fee.

Conclusion

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

I've allow the landlords full monetary claim of \$2150.00 and I therefore order that the landlord may retain the full security deposit of \$425.00, and I've issued a monetary order in the amount of \$1725.00.

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: January 16, 2013

Residential Tenancy Branch

