



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD

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 filing fee. The applicants are also requesting an order to keep the full security deposit towards the claim.

Background and Evidence

The applicants testified that:

- This tenancy began on December 1, 2012 with a monthly rent of \$1400.00.
- A security deposit of \$700.00 was paid on November 26, 2012.
- The tenants failed to pay the full January 2013 rent and as a result on January 8, 2013, a 10 day Notice to End Tenancy was personally served on the tenants.

- To date, the tenants have failed to comply with that notice and have failed to pay any further rent.
- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order as follows:

rent outstanding for January 2013	\$700.00
Rent outstanding for February 2013	\$1400.00
Filing fee	\$50.00
Total	\$2150.00

- They also requested an order allowing them to keep the full security deposit towards the claim.

The respondents testified that:

- They have withheld half of the rent for the month of January 2013, and the full rent for February 2013 in an attempt to pressure the landlord to do repairs that were promised.
- They did receive the Notice to End Tenancy and they are planning to move out of the rental unit and pay the outstanding rent.
- They do not dispute the request for an Order of Possession or for the Monetary Order.

Analysis

The tenants have been served with a valid 10 day Notice to End Tenancy, and have stated that they are not disputing the notice, and therefore I allow the landlords request for an Order of Possession.

The landlord has also shown that at this time there is a total of \$2100.00 in outstanding rent and I therefore also allow that portion of the claim.

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

Conclusion

I have issued an Order of Possession that's enforceable two days after service on the tenants.

I have allowed the landlords full monetary claim of \$2150.00 and I therefore order that the landlords may retain the full security deposit of \$700.00, and I've issued a Monetary Order in the amount of \$1450.00.

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: February 13, 2013

Residential Tenancy Branch

