



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Capreit Limited Partnership
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNDC, MNR, MNSD, OPR

Introduction

Some documentary evidence and written arguments have been submitted prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the applicant the opportunity to testify at the hearing.

The applicant testified that the respondent was served with notice of the hearing by registered mail that was mailed on March 20, 2013; however the respondent did not join the conference call that was set up for the hearing.

All testimony was taken under affirmation.

Issue(s) to be Decided

This is an application for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, a request for a Monetary Order for \$2835.50, and a request for recovery of the \$50.00 filing fee. The applicant is also requesting an Order allowing them to keep the full security deposit/pet deposit towards this claim.

Background and Evidence

The applicant testified that:

- This tenancy began on March 1, 2012 and at that time a security deposit of \$375.00 and a pet deposit of \$375.00 were paid.
- The tenant fell behind on the rent and therefore on March 4, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- The tenant has failed to comply with that notice, and although some of the rent has been collected for use and occupancy only, there is still a total of \$1057.00 in rent outstanding.

- They are therefore requesting an Order of Possession for as soon as possible, and a Monetary Order for that outstanding rent plus their filing fee.

Analysis

It is my finding that the landlord has shown that the tenant has fallen behind on the rent and that the tenant was served with a legal 10 day Notice to End Tenancy.

It is also my finding that the tenant has failed to comply with that notice, and has failed to pay the full outstanding rent.

The landlord has provided sufficient evidence to show that at this time there is a total of \$1057.00 rent outstanding and that any rent collected after the Notice to End Tenancy was given, was collected for use and occupancy only.

I therefore allow the landlords request for an Order of Possession, and the request for the full reduced monetary claim.

I also allow the request for recovery of the filing fee.

Conclusion

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

I have allowed the full monetary claim of \$1107.00, and I therefore Order that the landlord may retain the full security/pet deposit of \$750.00, and I've issued a Monetary Order in the amount of \$357.00.

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: April 18, 2013

Residential Tenancy Branch