



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes CNR, FF, MNR, MNDC, OPR

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 decision deals with two applications for dispute resolution, one brought by the tenant, and one brought by the landlord. Both files were heard together.

The landlord's application 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 \$1500.00, and a request for recovery of the \$50.00 filing fee.

The tenant's application is a request to cancel a Notice to End Tenancy that was given for nonpayment of rent.

Background and Evidence

The landlord testified that:

- This tenancy began on April 1, 2012 with the monthly rent of \$800.00 per month.
- The tenant was falling behind on the rent and therefore she agreed to lower the rent to \$500.00 per month starting February 2013.
- The tenant still failed to pay the full rent for the month of February 2013.

- The tenant paid the full March 2013 rent however the tenant has paid no rent for the months of April 2013 and May 2013.
- A Notice to End Tenancy was served on the tenant on April 9, 2013, however the tenant did not comply with that notice.
- At this time the tenant owes the following amount of outstanding rent:

December 2012	\$100.00
January 2013	\$60.00
February 2013	\$460.00
April 2013	\$500.00
May 2013	\$500.00
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Total	\$1620.00

She is therefore requesting an Order of Possession for as soon as possible, and she is also asking for a Monetary Order for a reduced amount of \$1500.00.

The tenant testified that:

- He did fall behind on the rent, and the landlord has given him a 10 day Notice to End Tenancy which he received on April 9, 2013.
- He does not believe he owes \$1620.00 however, because the landlords Notice to End Tenancy stated the owed \$1000.00 in April 2013, and with the May 2013 rent that makes \$1500.00.
- He is asking that the Notice to End Tenancy be canceled and that he be allowed to make payments.

Analysis

It is my finding that the landlord has established a claim for at least \$1500.00 in outstanding rent, and therefore I allow the request for an Order for that \$1500.00.

It is also my finding that the tenant has been served with a valid 10 day Notice to End Tenancy and has failed to comply with that notice, and therefore I also allow the landlords request for an Order of Possession.

The tenant has admitted that he has received the Notice to End Tenancy, and has admitted there is rent outstanding, and therefore I will not be canceling the Notice to End Tenancy.

Conclusion

Tenant's application

The tenant's application is dismissed without leave to reapply and I further order that the tenant pay the filing fee of \$50.00, which was previously waived, to the director of the Residential Tenancy Branch.

Landlord's application

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

I've issued a Monetary Order for the tenant to pay \$1550.00 to the landlord.

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: May 15, 2013

Residential Tenancy Branch

