



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

A matter regarding Wall Financial Corporation
and [tenant name suppressed to protect privacy]

DECISION

Dispute Codes FF, MNDC, MNR, CNR, MNSD, ERP, RP, PSF, LRE, OPT, RR

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

Landlord's application

The landlord's application is a request for a Monetary Order for \$1460.00, and a request for recovery of the \$50.00 filing fee

Tenant's application

It is my decision that I will not deal with all the issues that the tenants have put on their application. For claims to be combined on an application they must be related.

Not all the claims on this application are sufficiently related to the main issue to be dealt with together.

I therefore will deal with the request to cancel a Notice to End Tenancy for unpaid rent, and the request for an Order of Possession and the remainder of the claims are dismissed with leave to reapply, if they have not already been dealt with in a previous decision.

I note that the tenant had a previous application for dispute resolution in which the tenant had applied for many of the same things she has applied for on this application. That application was dismissed, and therefore the tenant does not have the right to file a claim again for those same things.

Background and Evidence

The tenant has not paid the April 2013 rent and therefore on April 3, 2013 the tenant was personally served with a 10 day Notice to End Tenancy.

The tenant filed a dispute of that notice on April 4, 2013.

The landlord testified that:

- The full April 2013 rent of \$710.00 is still outstanding.
- The May 2013 rent of \$710.00 is due today and they do not believe the tenant is going to pay that rent.
- The tenant also has rent outstanding from January 2013, February 2013, and March 2013, however that rent is already been awarded in a previous hearing.
- They are therefore requesting a Monetary Order as follows:

April 2013 rent outstanding	\$710.00
May 2013 rent due	\$710.00
April 2013 late fee	\$20.00
May 2013 late fee	\$20.00
Filing fee	\$50.00
Total	\$1510.00

- They are also requesting that an Order of Possession be issued for as soon as possible.

The tenant testified that:

- She has not paid the April 2013 rent and she is not able to, nor is she able to pay the May 2013 rent.
- She is looking for a place to move to, however the ministry does not pay her enough money to both move and rent a new place.
- She does not believe she should have to pay the outstanding rent, as there were many deficiencies with the rental unit which were not dealt with by the landlord.

Analysis

The tenant has admitted that the full April 2013 rent is outstanding, and that she is also unable to pay the May 2013 rent.

The tenant believes she should not have to pay the outstanding rent due to deficiencies in the rental unit, however these same claims were made in a previous dispute resolution hearing and that claim was dismissed.

I am therefore unwilling to cancel the Notice to End Tenancy, and I will be allowing the landlords request for an Order of Possession.

It's also my decision that I will allow the landlords full monetary claim, as I find it unlikely that the rental unit will be re-rented for the month of May 2013, as the tenant is still in the rental unit.

Conclusion

The tenant's application to cancel a Notice to End Tenancy and the tenants request for an Order of Possession are both dismissed without leave to reapply.

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

I have issued a Monetary Order against the tenants in the amount of \$1510.00. 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: May 01, 2013

Residential Tenancy Branch