



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, OPL, MNR, FF

Introduction

This is an application for an Order of Possession, a request for a Monetary Order, and a request for recovery of the filing fee.

I 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

Is the landlord entitled to an Order of Possession?

Is the landlord entitled to a Monetary Order in the amount of \$20,800.00 for outstanding rent?

Background and Evidence

The applicant testified that:

- The tenant has fallen behind in the rent and, as of today's date, there is a total of \$20,800.00 and outstanding rent.
- The tenant was served with a 10 day Notice to End Tenancy on April 8, 2013, however to date he has failed to comply with that notice and failed to pay the outstanding rent.
- They are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent.
- They also request recovery of the \$100.00 filing fee.

The respondent testified that:

- He does not dispute the amount of rent outstanding, as he has fallen behind in the rent and does owe \$20,800.00.
- He did also receive a 10 day Notice to End Tenancy from the landlord on April 8, 2013 and has filed no dispute of that notice.
- He would however like to stay in the rental unit and pay the debt off in biweekly payments of \$3400.00.
- He is now moving into his busy season, and there is even a possibility that he will be able to pay the full amount off in one lump sum if he lands a large contract.

In response to the respondent the applicant testified that:

- The tenant has made numerous promises to pay the outstanding rent and has never managed to follow through on those promises and therefore they are still requesting an Order of Possession for as soon as possible and a Monetary Order for the full outstanding amount.

Analysis

It is my finding that the landlord has served the tenant with a valid 10 day Notice to End Tenancy, and the tenant has not filed a dispute of that notice nor paid the outstanding rent. I therefore allow the request for an Order of Possession.

The tenant has also admitted that he owes the full amount claimed by the landlords for outstanding rent, and I therefore also allow the landlords full \$20,800.00 claim for the outstanding rent.

I also allow the request for recovery of the \$100.00 filing fee.

Conclusion

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

I have issued a Monetary Order in the amount of \$20,900.00.

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: July 08, 2013

Residential Tenancy Branch

