



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      MNSD, O, OPR, MNR, CNR

### Introduction

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

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

The landlord's application is a request for an Order of Possession based on a Notice to End Tenancy for nonpayment of rent, and a request for a Monetary Order for outstanding rent.

Some documentary evidence and written arguments have 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

Are the landlords entitled to an Order of Possession, or should the Notice to End Tenancy be canceled?

Are the landlords entitled to a Monetary Order for outstanding rent?

Background and Evidence

The landlords testified that:

- The tenants had fallen behind in the rent, and therefore on June 20, 2013 a 10 day Notice to End Tenancy was posted on the tenant's door.
- To date the tenants have failed to comply with the notice, and have failed to pay any of the outstanding rent. There is also a further one month's rent outstanding for a total amount of \$2450.00.
- They are therefore requesting an Order of Possession for as soon as possible and a Monetary Order for the outstanding rent.

The tenants testified that:

- They were unaware of the fact that they had fallen so far behind on the rent.
- They knew some rent had not been paid, but they thought that the landlord would credit them some money towards the rent for work they had done around the rental property.
- The landlord however has never authorized them to deduct money from the rent.

Analysis

After reviewing the landlord's rent ledger, it is my finding that the landlords have shown that at this time there is a total of \$2450.00 in outstanding rent, and therefore I will not

be canceling the Notice to End Tenancy, and I allow the landlords request for the Monetary Order.

Further since the landlord has served the tenants with a valid Notice to End Tenancy I will allow the request for an Order of Possession.

### Conclusion

The tenant's application is dismissed without leave to reapply.

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

I have issued a Monetary Order to the landlords in the amount of \$2450.00.

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 31, 2013

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Residential Tenancy Branch

